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THE

P. 18

GENERAL SCHOOL LAWS

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OF

MICHIGAN:

WITH

APPENDIXES.

COMPILED AT THE OFFICE OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

1881.



BY AUTHORITY.



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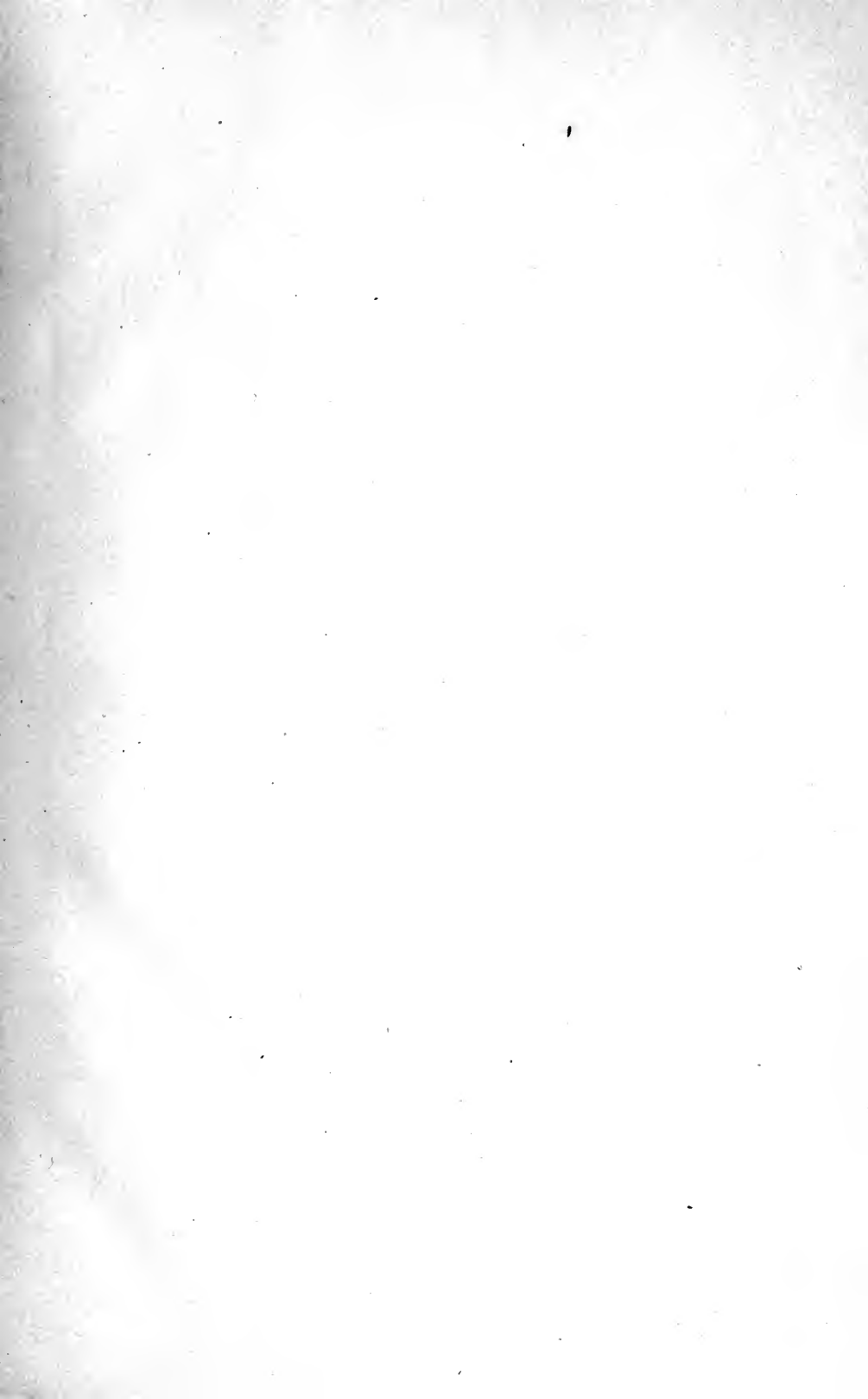
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School officers, on retiring from office, are required by law to deliver this book, with all other books and documents of an official character, to their successors in office.—*See Compiled Laws of 1871, Chapter CCXX.*



INTRODUCTORY.

This edition of the General School Laws has been prepared in obedience to the provisions of law requiring the Superintendent of Public Instruction to "compile and cause to be printed all general laws relating to schools, together with all necessary forms, regulations, and instructions for conducting all proceedings under said laws, or relative to the organization and government of the schools, including rules and regulations for the management of township and district libraries," and to transmit the same to the several officers intrusted with the care and management of said schools.

The last general compilation was made in 1879, but by an act passed by the Legislature of 1881, revising and consolidating the general school laws of the State, nearly all the provisions contained in that compilation were repealed and replaced by Chapters I to XIII of the present compilation. These thirteen chapters, constituting Act 164, Laws of 1881, embrace all the general provisions relating to public schools. To these, for convenience of reference, are added the laws relating to election of school inspectors, teachers' institutes, Normal school diplomas, State certificates, teachers' associations, and the safe keeping of public moneys, and a note in reference to the distribution of the surplus dog-tax.

With copious side notes and references, and appendixes containing the necessary forms for proceedings, rules for libraries, and a digest of decisions of the Supreme Court relating to the proper execution of the school laws, together with a very full index, it is hoped that this volume may prove of service to all who have occasion to refer to it for guidance or information.

VARNUM B. COCHRAN,
Superintendent of Public Instruction.

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NOTE.—The words inclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.



GENERAL SCHOOL LAWS OF MICHIGAN.

CONSTITUTIONAL PROVISIONS.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each biennial election, a secretary of state, a superintendent of public instruction, a state treasurer, commissioner of the land office, an auditor general, and an attorney general, for the term of two years. They shall keep their offices at the seat of government, and shall perform such duties as may be prescribed by law.

State officers to be elected.

Where to keep offices.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

Term of office.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

Vacancy, how filled.

ARTICLE XIII.

EDUCATION.

SECTION 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

Duties of superintendent of public instruction.

SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other prop-

School fund.

STATUTORY PROVISIONS.

Act No. 164, Laws of 1881.

CHAPTER I.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Powers and
duties of.

(§1.) SECTION 1. *The People of the State of Michigan enact,* That the superintendent of public instruction shall have general supervision of public instruction and of all State institutions, other than the university, that are essentially educational in their character, and it shall be his duty, among other things, to visit the university, the agricultural college, the institution for the deaf and dumb, the school for the blind, the reform school, the reform school for girls, and the public school for dependent and neglected children, and to meet with the governing boards of each of said institutions at least once in each year. He shall also prepare annually, and transmit to the governor, to be by him transmitted to the legislature at each biennial session thereof, a report containing:

To make annual
report.

Contents of.

First, A statement of the condition of the university and of each of the several State educational institutions, all incorporated institutions of learning, and the primary, graded, and high schools;

Second, Estimates and amounts of expenditures of all educational funds;

Third, Plans for the management of all educational funds, and for the better organization of the educational system, if, in his opinion, the same be required;

Fourth, The annual reports and accompanying documents, so far as he shall deem the same of sufficient public interest, of all State institutions of educational character;

Fifth, Abstracts of the annual reports of the school inspectors of the several townships and cities of the State;

Sixth, All such other matter relating to his office and the subject of education generally as he shall deem expedient to communicate.

Deputy Super-
intendent.

Duties of.

(§2.) SEC. 2. He may appoint a deputy superintendent of public instruction and revoke such appointment in his discretion, and such deputy shall take the constitutional oath of office, which, with his appointment, shall be filed with the secretary of state. Said deputy may execute the duties of the office in case of a vacancy or the absence of the superintendent.

School laws to
be compiled and
published with
forms, etc.

(§3.) SEC. 3. The superintendent of public instruction shall compile and cause to be printed all general laws relating to schools, together with all necessary forms, regulations, and instructions for conducting all proceedings under said laws, or relative to the organization and government of the schools, including rules and

regulations for the management of township and district libraries, and he shall transmit the same to the several officers intrusted with the care and management of said schools.

(§4.) SEC. 4. He shall annually, on receiving notice from the auditor general of the amounts thereof, and previous to the tenth day of May, apportion the primary school interest fund among the several townships and cities of the State, in proportion to the number of children in each between the ages of five and twenty years, as the same shall appear by the reports of the several boards of school inspectors made to him for the year last closed, and shall prepare a statement of the amount in the aggregate payable to each county, and shall deliver the same to the auditor general, who shall thereupon draw his warrant upon the State treasurer in favor of the treasurer of each county, for the amount payable to such county. He shall also send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships and cities therein respectively.

Apportionment
of primary
school fund, etc

Notice to county
clerks of amounts
to be disbursed.

(§5.) SEC. 5. Whenever the returns from any county, township, city, or district, upon which a statement of the amount to be disbursed or paid to any such county, township, city, or district shall be so far defective as to render it impracticable to ascertain the share of primary school interest fund which ought to be disbursed or paid to such county, township, city, or district, he shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Proceedings in
case of defective
returns.

(§6.) SEC. 6. Whenever any county, township, city, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school interest fund, the superintendent of public instruction, upon satisfactory proof that said county, township, city, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of said superintendent that any district has had three months' school, but failed to have the full time of school required by law, through no fault or negligence of the district or its officers, he may include such district in his apportionment of the primary school interest fund in his discretion.

When deficiency
may be appor-
tioned the next
year.

(§7.) SEC. 7. The superintendent of public instruction shall perform such other duties as are or shall be required of him by law, and at the expiration of his term of office deliver to his successor all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Other duties of
Superintendent.

CHAPTER II.

FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

(§8.) SECTION 1. The township board of school inspectors shall divide the township into such number of school districts as may from

Inspectors to
form districts.

time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper, subject to the provisions hereinafter made; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be.

(§9.) SEC. 2. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly, and said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting, to be by him delivered to the director chosen at such meeting, and by said director recorded at length as a part of the records of such district.

(§10.) SEC. 3. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

(§11.) SEC. 4. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, to be designated as a fractional district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary in the same manner that other districts are altered. The annual reports of the director of such district shall be made to the inspectors of the township in which the school-house may be situated, and the inspectors of such township shall number said district.

(§12.) SEC. 5. Every such school district shall be deemed duly organized when any two of the officers elected at the first meeting shall have filed their acceptances in writing with the director, and the same shall have been recorded in the minutes of such first meeting. Every school district shall, in all cases, be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of two years; and such school district and its officers shall be entitled to all the rights, privileges, and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

(§13.) SEC. 6. The record of the first meeting made by the director

May alter boundaries of.

Township clerk to deliver notice of formation to inhabitant.

See App. B, forms 1, 2, 3.

Inhabitant to serve notice of first meeting.

See § 138.

Return of notice.

Notice and return to be recorded.

Proceedings in case of failure to organize district.

Formation of fractional districts.

To whom director or of such district shall report.

When district deemed organized.

Presumption of legal organization.

See App. A, §§ 16-20

GENERAL SCHOOL LAWS.

shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors, as evidence.

Director's record of first meeting to be evidence.

CORPORATE POWERS OF DISTRICTS.

(§14.) SEC. 7. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the State or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District Number — (such number as shall be designated in the formation thereof by the inspectors), of —" (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of law, and of selling the same.

School districts to be bodies corporate.

Name and style.

Powers of.

ALTERATION OF DISTRICTS.

(§15.) SEC. 8. Whenever the board of school inspectors shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, the clerks of the several townships interested) shall give at least ten days' notice of the time and place of the meeting of the inspectors, and the alteration proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration.

Meetings of inspectors to alter districts.

Notices of.

See App. B., form 16.

See App. A., ¶ 1.

(§16.) SEC. 9. The inspectors may, in their discretion, detach the property of any person or persons from one district and attach it to another; except that no land which has been taxed for building a school-house shall be set off into another school district for the period of three years thereafter, except by the consent of the owner thereof; and no district shall be divided into two or more districts without the consent of a majority of the resident tax-payers of said district, and no two or more districts be consolidated without the consent of a majority of the resident tax-payers of each district.

Powers of inspectors to alter districts.

See App. A., ¶¶ 2, 3, 47.

When consent of tax-payers to be obtained.

See § 110.

(§17.) SEC. 10. The inspectors may attach to a school district any person residing in a township, and not in any organized district, at his request; and for all district purposes except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Persons out of district may be attached thereto in certain cases.

(§18.) SEC. 11. In all cases where an alteration of the boundaries of a school district shall be made, the township clerk shall, within ten days, deliver to the director of each district affected by the alteration a notice in writing, setting forth the action of the inspectors and defining the alterations that have been made.

Township clerk to give notice of alteration in districts.

See App. B., form 4.

DIVISION OF PROPERTY.

(§19.) SEC. 12. When a new district is formed, in whole or in part, from one or more districts possessed of a school-house, or entitled to

When district is divided property to be apportioned.

See App. A.,
¶¶ 3, 47, 54.

When school-
house or site is
not needed, may
be sold.

Proceeds of sale
to be apportioned.

How proportion
to be ascertained.

Proviso.

other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

(§20.) SEC. 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

DISTRICT MEETINGS.

Annual meeting.
School year.

Certain districts
may change time
of annual meet-
ing.

Proviso.

(§21.) SEC. 14. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day: *Provided*, That any school district organized under the law for graded or high schools, or any school district organized by a special act of the legislature that shall so determine at an annual meeting, or at a special meeting duly called for that purpose, may hold its annual meeting on the second Monday of July in each year, or in the same manner may thereafter change the time of its annual meeting to the first Monday in September in each year, and the trustees and officers of the district shall date their terms of office from the date so chosen and until their successors are elected and qualified: *Provided further*, That such action in either case shall not change the time of the commencement of the school year or the taking of the annual school census.

Special meetings.

See App. B.,
form 8.

When may not
be called.
Business of to be
stated in notice.

Notices of meet-
ings.
See App. B.,
forms 7, 9.

(§22.) SEC. 15. Special meetings may be called by the district board; and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; but no special meeting shall be called unless the business to be transacted may lawfully come before such meeting, and no business shall be transacted at a special meeting unless the same be stated in the notice of said meeting.

(§23.) SEC. 16. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days

previous to such meeting, by posting up copies thereof in three of the most public places in the district, one copy of which for each meeting shall be posted at the outer door of the district school-house, if there be one; and in case of any special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

Duty of district officer to give notice.

When annual meeting not illegal for want of notice.

(§24.) SEC. 17. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or who has resided three months next preceding such meeting on any territory belonging to such district at the time of holding said meeting, shall be a qualified voter in said meeting upon all questions, and all other persons who are twenty-one years of age, and are the parents or legal guardians of any children included in the school census of the district, and who have, for three months as aforesaid, been residents in said district or upon any territory belonging thereto at the time of holding any school meeting, shall be entitled to vote on all questions arising in said district which do not directly involve the raising of money by tax.

Who are qualified voters at district meetings.

(§25.) SEC. 18. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein;" and every person taking such oath shall be permitted to vote on all questions proposed at such meeting. Or he may take the following oath, to-wit: "You do swear (or affirm) that you have been for the past three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of this district;" and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall willfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other manner than by ballot, a challenge immediately after the

Challenging voters.

Oaths to be tendered challenged voters.

False oath deemed perjury.

vote has been taken shall be deemed to be made when offering to vote, and treated in the same manner.

(§26.) SEC. 19. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned; and any person who shall refuse to withdraw from such meeting on being so ordered as herein provided, and also any person who shall willfully disturb such meeting by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

(§27.) SEC. 20. The qualified voters in any school district when lawfully assembled at the first and at each annual meeting, or at an adjournment thereof, or at any special meeting lawfully called, except as hereinafter provided, shall have power:

First, At the first meeting and at any meeting after the organization of the district, in the absence of the moderator, to appoint a chairman for the time being, and in the absence of the director to appoint some person to act in his stead, who shall keep a minute of the proceedings of such meeting and certify the same to the director, to be by him entered in the records of the district;

Second, To adjourn from time to time as occasion may require;

Third, To elect district officers as hereinafter provided;

Fourth, To designate, as hereinafter provided, a site or such number of sites as may be desired for school-houses, and to change the same when necessary;

Fifth, To direct the purchasing or leasing of a site or sites, lawfully determined upon; the building, hiring, or purchasing of a school-house or houses, or the enlarging of a site or sites previously established;

Sixth, To vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire or purchase a school-house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a school-house or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less than ten children between the ages of five and twenty years, two hundred and fifty dollars; in districts having between ten and thirty children of like age, it shall not exceed five hundred dollars; and in districts having between thirty and fifty children of like age, it shall not exceed one thousand dollars. No legal subdivisions [subdivision] of land shall be taxed for building a school-house unless some portion thereof shall be within two and one-half miles of said school-house site;

Disorderly persons at district meetings to be taken into custody.

Penalty for disturbing meeting.

Who shall have jurisdiction in trial.

Powers of voters at district meetings.

To appoint temporary officers.

May adjourn.

To elect officers. See §§ 28, 107. To designate sites for school houses. See § 89.

To direct purchase, etc., of site, and building school-house.

To vote tax for building, etc.

Limit of tax.

See § 78.

When land not taxable.

Seventh, To impose such tax as shall be necessary to keep their school-house or houses in repair, and to provide the necessary appendages and school apparatus, and in districts having district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred, and also to pay for the services of any district officer. The tax herein authorized to be voted shall not exceed one-half the amount which the district is authorized to raise for building school-houses;

To vote tax for certain purposes.

See App. A., §§ 46-50.

Limit of tax.

Eighth, To authorize and direct the sale of any school-house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district;

To direct sale of certain property.

Ninth, To give such directions and make such provisions as they shall deem necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested;

Direct in regard to suits.

Tenth, To appoint, as in their discretion it may be necessary, a building committee to perform such duties in supervising the work of building a school-house as they by vote may direct;

May appoint building committee.

Eleventh, At the first and the annual meetings only, to determine the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the one-mill tax and primary school interest fund; but in case such matters shall not be determined at the first or annual meetings, the district board shall determine the same; and in case the district fails to vote for at least the minimum length required herein, the district board shall make provisions for said minimum length of school;

At annual meeting to determine limit of school.

Forfeiture of public moneys.

When district board to determine length of school.

Twelfth, To appropriate any surplus moneys arising from the one-mill tax, after having maintained a school in the district at least eight months in the school year, for the purpose of purchasing and enlarging school sites, or for building or repairing school-houses, or for purchasing books for library, globes, maps, and other school apparatus, or for any incidental expenses of the school.

May appropriate surplus mill-tax to certain purposes.

CHAPTER III.

DISTRICT BOARD AND OFFICERS.

(§28.) SECTION 1. At the first meeting in each school district there shall be elected by ballot a moderator for the term of three years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter at the annual meetings, their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting in any school district and the first annual meeting thereafter shall be reckoned as one year.

Election of district officers.

See §§ 139, 146.

Term of office.

(§29.) SEC. 2. A school district office shall become vacant upon the occurrence of any of the following events:

When district offices shall become vacant.



First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond, according to law.

Vacancies in
offices, how
filled.

See App. B.,
forms 14, 15.

Term of office of
appointed officer.

Who are eligible
to hold office.

Acceptance of
offices to be filed.

See App. B.,
form 5.

District board,
when meetings
of may be called.

Necessity of
meeting to valid
action by board.
Quorum of
board.

Board to pur-
chase record
books, etc.

See App. A.,
¶ 52.

Board to pur-
chase, etc., site,
and build, etc.,
school-house.

See App. A.,
¶¶ 61-71.

Necessity of title
or lease to site
before building
school-house.

(§30.) SEC. 3. In case any one of the district offices becomes vacant, the two remaining officers shall immediately fill such vacancy; or in case two of the offices become vacant, the remaining officer shall immediately call a special meeting of the district to fill such vacancies; in case any vacancy is not filled as herein provided within twenty days after it shall have occurred, or in case all the offices in a district shall become vacant, the board of school inspectors of the township to which the annual reports of such district are made shall fill such vacancies. Any person elected or appointed to fill a vacancy in a district office shall hold such office until the next succeeding annual meeting, at which time the voters of the district shall fill such office for the unexpired portion of the term.

(§31.) SEC. 4. Any qualified voter in a school district who has property liable to assessment for school taxes shall be eligible to election or appointment to office in such school district, unless such person be an alien.

(§32.) SEC. 5. Within ten days after their election or appointment, the several officers of each school district shall file with the director written acceptances of the offices to which they have been respectively elected or appointed, and such acceptances shall be entered in the records of the district by said director.

(§33.) SEC. 6. The moderator, director, and assessor shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

(§34.) SEC. 7. The said district board shall purchase a record book and such other books, blanks, and stationery as may be necessary to keep a record of the proceedings of the district meetings and of meetings of the board, the accounts of the assessor, and for doing the business of the district in an orderly manner.

(§35.) SEC. 8. The district board shall purchase or lease, in the corporate name of the district, such sites for school-houses as shall have been lawfully designated, and shall build, hire, or purchase such school-houses as may be necessary out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters; but no district in any case shall build a stone or brick school-house upon any site without having first obtained a title in fee to the same, or a lease

for ninety-nine years; nor shall any district build a frame school-house on any site for which they have not a title in fee or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district at any annual or special meeting when lawfully convened.

See App. B.,
forms 23, 24, 25.

(§36.) SEC. 9. It shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such schools, including teachers' wages, fuel, and other incidental expenses, and for deficiencies of the previous year for such purposes. But in districts having less than thirty scholars, such estimate, including the district's share of the primary school interest fund and one-mill tax, shall not exceed the sum of fifty dollars a month for the period during which school is held in such district; and when such amount has been estimated and voted by the district board, it shall be reported for assessment and collection, the same as other district taxes. When a tax has been estimated and voted by the district board under the provisions of this section, and is needed before it can be collected, the district board may borrow to an amount not exceeding the amount of said tax.

Board to estimate
tax for support
of schools.

Limit of tax in
certain cases.

When board may
borrow money.

(§37.) SEC. 10. The district board shall, between the first and third Mondays in September in each year, make out and deliver to the township clerk of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

Board to report
district taxes to
township clerk.

See App. B.,
form 12.

(§38.) SEC. 11. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a consenting vote of two-thirds of the tax-paying voters of the district; and no moneys received from the primary school interest fund, nor from the one-mill tax except as provided by law shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate of qualification from proper legal authority before the commencement of his school. No school district shall apply any of the moneys received by it from the primary school interest fund, or from any and all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society, or made sectarian by the school district board.

Board to apply
moneys accord-
ing to law.

Sectarian schools
barred from pub-
lic moneys.

(§39.) SEC. 12. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, shall the items of such receipts and disbursements. Such report with also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for

Board to make
annual reports.

Contents of.

First, The death of the incumbent;
Second, His resignation;
Third, His removal from office;
Fourth, His removal from the district;
Fifth, His conviction of any infamous crime;
Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond, according to law.

Vacancies in offices, how filled.

See App. B., forms 14, 15.

Term of office of appointed officer.

Who are eligible to hold office.

Acceptance of offices to be filed.

See App. B., form 5.

District board, when meetings of may be called.

Necessity of meeting to valid action by board.

Quorum of board.

Board to purchase record books, etc.

See App. A., ¶ 52.

Board to purchase, etc., site, and build, etc., school-house.

See App. A., ¶¶ 61-71.

Necessity of title or lease to site before building school-house.

(§30.) SEC. 3. In case any one of the district offices becomes vacant, the two remaining officers shall immediately fill such vacancy; or in case two of the offices become vacant, the remaining officer shall immediately call a special meeting of the district to fill such vacancies; in case any vacancy is not filled as herein provided within twenty days after it shall have occurred, or in case all the offices in a district shall become vacant, the board of school inspectors of the township to which the annual reports of such district are made shall fill such vacancies. Any person elected or appointed to fill a vacancy in a district office shall hold such office until the next succeeding annual meeting, at which time the voters of the district shall fill such office for the unexpired portion of the term.

(§31.) SEC. 4. Any qualified voter in a school district who has property liable to assessment for school taxes shall be eligible to election or appointment to office in such school district, unless such person be an alien.

(§32.) SEC. 5. Within ten days after their election or appointment, the several officers of each school district shall file with the director written acceptances of the offices to which they have been respectively elected or appointed, and such acceptances shall be entered in the records of the district by said director.

(§33.) SEC. 6. The moderator, director, and assessor shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

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See App. B.,
forms 23, 24, 25.

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Board to estimate
tax for support
of schools.

Limit of tax in
certain cases.

When board may
borrow money.

(§37.) SEC. 10. The district board shall, between the first and third Mondays in September in each year, make out and deliver to the township clerk of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

Board to report
district taxes to
township clerk.

See App. B.,
form 12.

(§38.) SEC. 11. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a consenting vote of two-thirds of the tax-paying voters of the district; and no moneys received from the primary school interest fund, nor from the one-mill tax except as provided by law shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate of qualification from proper legal authority before the commencement of his school. No school district shall apply any of the moneys received by it from the primary school interest fund, or from any and all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society, or made sectarian by the school district board.

Board to apply
moneys accord-
ing to law.

Sectarian schools
barred from pub-
lic moneys.

(§39.) SEC. 12. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, shall the items of such receipts and disbursements. Such report with also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for

Board to make
annual reports.

Contents of.

which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be entered by the director in the records of the district.

Board to hire teachers.
See App. B., forms 26, 27.

Contracts.
School register to be kept.

See § 146.

Contract to be filed.

Teacher must have legal certificate.

See App. A., §§ 38-45.

School month defined.

Care and use of school-house.

Board may exclude public meetings at certain times.

Board to specify studies and specify text-books.

Record to be made.

Purchase of books for poor children.

Board to establish rules for school.
See App. A., § 43.

May suspend or expel disorderly pupils.

(§40.) SEC. 13. The district board shall hire and contract with such duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the board on behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the close of the school. Said contract shall be filed with the director, and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach shall be valid, and all such contracts shall terminate, if the certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.

(§41.) SEC. 14. the district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall by vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school-house for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

(§42.) SEC. 15. The district board shall specify the studies to be pursued in the schools of the district, and prescribe the text books to be used, which shall be uniform in each subject that may be taught; but text-books once adopted under the provisions of this act shall not be changed within five years, except by the consent of a majority of the qualified voters of the district present at an annual meeting. Each school board making a selection of text-books under this act shall make a record thereof in their proceedings.

(§43.) SEC. 16. The district board may purchase at the expense of the district, such text-books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchase in the report to the township clerk or clerks, to be levied in like manner as other district taxes.

(§44.) SEC. 17. The district board shall have the general care of the school, and shall make and enforce suitable rules and regulations for its government and management, and for the preservation of the property of the district. Said board may authorize or order the suspension or expulsion from the school, whenever in its judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience. Any person who shall

disturb any school by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Penalty for disturbing school.

(§45.) SEC. 18. All persons residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: *Provided*, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places as may be deemed expedient.

Who can attend school.

No separate school on account of race, etc.
See App. A., ¶ 60.
Grading not prevented.

(§46.) SEC. 19. The district board may admit to the district school nonresident pupils, and may determine the rates of tuition of such pupils, and collect the same.

Non-resident pupils.
See App. A., ¶ 59.

MODERATOR.

(§47.) SEC. 20. It shall be the duty of the moderator of each school district:

Moderator.

First, To preside, when present, at all meetings of the district and of the board;

To preside.

Second, To countersign all orders legally drawn by the director upon the assessor for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk;

To countersign warrants and orders.

See App. A., ¶¶ 26-28.

Third, To cause an action to be prosecuted in the name of the district on the assessor's bond, in case of any breach of any condition thereof;

To bring suit on assessor's bond.

Fourth, To perform such other duties as are or shall be by law required of the moderator.

Other duties.

DIRECTOR.

(§48.) SEC. 21. It shall be the duty of the director of each school district:

Director.

First, To act as clerk, when present, at all meetings of the district and of the board;

To be clerk.

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books;

To keep and record minutes.

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law;

To give notices of meetings.
See App. B., forms 7, 9.

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for all moneys to be disbursed by the district, and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund upon which, it is drawn;

To draw and sign warrants and orders.

See App. A., ¶¶ 21-37.

See App. B., forms 10, 11.

- To draw and sign contracts. See App. B, form 26. *Fifth*, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature;
- To provide appendages and keep school-house in repair. *Sixth*, To provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time school shall be taught therein: *Provided*, That nothing herein contained shall be construed to authorize the director to purchase charts or any apparatus to be used in the school-room without a vote of the district authorizing the same;
- See App. A, §§ 48-50. *Seventh*, To keep an accurate account of all expenses incurred by him as director, and such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided for the purpose;
- To keep account. *Eighth*, To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for payment for the services of any district officer;
- To present estimates of expenses to annual meeting. *Ninth*, To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all books, papers, and other documents belonging to the office of director, or to the district when not otherwise provided for, and to deliver the same to his successor in office;
- To preserve records and other documents. *Tenth*, To perform such other duties as are or shall be required of the director by law or the district board.
- Other duties. (§49.) SEC. 22. It shall be the duty of the director, or such other person as the district board may appoint, within ten days next previous to the first Monday in September in each year, to take the census of the district, and make a list in writing of the names and ages of all the children between the ages of five and twenty years residing therein, and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or indorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise residents of the district, and not attending the school, shall not be included in the said census; nor shall Indian children be so included unless they attend the school, or their parents are liable to pay taxes therein.
- To take school census. (§50.) SEC. 23. The director shall also, at the end of the school year, and previous to the second Monday in September in each year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:
- List to be sworn to. *First*, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;
- List to be filed with township clerk. *Second*, The number attending school during the year under five, and also the number over twenty years of age;
- What children not included. *Third*, The number of non-resident pupils of the district that have attended school during the year;
- To make annual reports to inspectors. *Contents of.*

Fourth, The whole number that have attended school during the year ;

Fifth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each ;

Sixth, The average length of time scholars, between five and twenty years of age, have attended school during the year ;

Seventh, The amount of money received from the township treasurer apportioned to the district by the township clerk ;

Eighth, The amount of money raised by the district, and the purposes for which it was raised ;

Ninth, The kind of books used in the school ;

Tenth, Such other facts and statistics in regard to the schools and the subject of education as the superintendent of public instruction shall direct.

(§51.) SEC. 24. The director of each fractional district shall make his annual report to the clerk of the township in which the school-house is situated, and shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township.

Where director of fractional district to report.

ASSESSOR.

(§52.) SEC. 25. It shall be the duty of the assessor of each school district :

Assessor. See App. A., 111 21-37.

First, To execute to the district and file with the director within ten days after his election or appointment a bond in double the amount of money to come into his hands as such assessor during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office, and to perform all the duties of his said office as required by the provisions of this act. Said bond shall be filed with the director, and in case of any breach of the condition thereof, the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the assessor ;

To give bond.

See App. B., form 6.

Bond to be approved.

Bond filed with director.

When suit to be brought thereon.

Second, To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn ;

To pay proper orders.

Third, To keep a book in which all the moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid ;

To keep record of receipts and disbursements.

Fourth, To present to the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year, and of each item of disbursements made, and exhibit the voucher therefor ;

To make annual report to district board.

To appear for district in suits.

See App. A., §§ 55-58.

Other duties.

Fifth, To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the moderator shall appear for such district, if no other direction be given as aforesaid;

Sixth, At the close of his term of office to settle with the district board, and deliver to his successor in office all books, vouchers, orders, documents, and papers belonging to the office of assessor, together with all district moneys remaining on hand;

Seventh, To perform such other duties as are or shall be by law required of the assessor.

CHAPTER IV.

TOWNSHIP OFFICERS.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

Board of school inspectors.

See §§ 140, 146.

Chairman of board to be treasurer.

To give bond.

See App. B., form 13.

Bond to be filed.

When suit to be brought thereon.

Inspectors to make triplicate reports.

See § 141.

Township clerk's duties in relation thereto.

Inspectors to examine list of qualified teachers.

See § 133, Subd. 6.

(§53.) SECTION 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors; and the inspector whose term of office shall soonest expire shall be chairman of said board, and the township clerk shall be the clerk thereof.

(§54.) SEC. 2. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury, and shall be applied to the same purposes as the moneys lost should have been applied by said treasurer of the board of school inspectors.

(§55.) SEC. 3. On the third Monday in September in each year, the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the superintendent of public instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall, within ten days thereafter, forward two copies of the same to the county clerk, and file the other copy in his office.

(§56.) SEC. 4. It shall be the duty of the school inspectors, before making their annual report, as required by the preceding section, to examine the list of legally qualified teachers on file in the office of the township clerk, and if in any school district a school shall not have been taught for the time required by law during the preceding school year by a legally qualified teacher, no part of the public money

shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify to the facts in relation to any such district in their annual report.

To report districts not employing such.

(§57.) SEC. 5. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

Inspectors to render account to township board.

(§58.) SEC. 6. The whole number of meetings of the township board of school inspectors at the expense of the township, during any one school year, shall not exceed eight; but this shall not be construed to prevent said board holding further meetings in case of necessity, provided no expense to the township be incurred.

Number of meetings of inspectors.

See App. A., ¶ 1.

TOWNSHIP CLERK.

(§59.) SEC. 7. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and, under their direction, prepare all their reports and record the same, and shall record all their proceedings. He shall also receive and keep all reports to inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office; and he shall receive all such communications, blanks, and documents as may be transmitted to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

Township clerk to be clerk of board of inspectors.

Duties as such.

See §§ 140, 141.

(§60.) SEC. 8. It shall be the duty of the township clerk annually, immediately after the organization of the board of school inspectors of his township, to transmit to the county clerk a certified statement of the name and post-office address of the chairman of said board, and in case there shall be a change in such chairman, during the year, he shall immediately notify the county clerk of such change.

To notify county clerk of chairman of board of inspectors.

(§61.) SEC. 9. Each township clerk shall cause a map to be made of his township, showing by distinct lines thereon the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon as established by the inspectors. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

To make map of districts.

Where map to be filed.

When new map to be made.

(§62.) SEC. 10. It shall be the duty of the township clerk of each township, on or before the first day of October of each year, to make and deliver to the supervisor of his township a certified copy of all statements on file in his office of moneys proposed to be raised by taxation in each of the several school districts of the township for school purposes. He shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school-house or other property, on the division of the

To report to supervisor all school taxes.

See § 144.

See App. B., form 23.

district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

(§63.) SEC. 11. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, the township clerk shall apportion the same amount to the several districts therein entitled to the same, in proportion to the number of children in each, between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed.

(§64.) SEC. 12. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources, for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of the primary school interest fund, or moneys raised by tax, or received from other sources, is made, he shall give notice of the amount to be received by each district to the director thereof.

TOWNSHIP SUPERVISOR AND TREASURER.

(§65.) SEC. 13. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this act, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year.

(§66.) SEC. 14. The supervisor shall also assess upon the taxable property of his township one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the township library, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised for the support of schools therein; and all moneys collected by virtue of this act during the year on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty and less than eight hundred children, or nine months' school in districts having eight hundred, or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school interest fund is now appor-

tioned. All moneys accruing from the one-mill tax in any township, before any district shall have a legal school therein, shall belong to the district in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

Where accrued moneys shall belong.

(§67.) SEC. 15. The amount to be assessed upon the taxable property of any school district retaining the school-house or other property, on the division of a district, as the same shall have been determined by the inspectors, shall be assessed by the supervisor in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided*, That if the district retaining the school-house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the moderator and director of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section. When collected, such amount shall be paid over to the assessor of the new district, to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house or other district purposes.

When district is divided certain taxes to be assessed.

Proviso.

How such taxes to be applied.

(§68.) SEC. 16. The full amount of all taxes to be levied upon the taxable property in a fractional school district shall be certified by the district board to the township clerk of each township in which such district is in part situated, and by such township clerks to the supervisors of their respective townships, and it shall be the duty of each of said supervisors to certify to each other supervisor interested the amount of taxable property in that part of the district lying in his township: *Provided*, That where there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining townships or counties, such valuation shall be equalized for this specific purpose by the supervisors of the townships interested, at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

Taxes in fractional districts.

Proviso—how equalized.

(§69.) SEC. 17. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof.

Statement to township treasurer.

(§70.) SEC. 18. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement, certified by him,

Statement to township treasurer of one-mill tax levied in fractional district.

of the amount of the one-mill tax levied upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

Collection and apportionment of taxes on division of district.

(§71.) SEC. 19. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

All school taxes assessed to be paid next to township expenses.

See App. A., §§ 21-37.

See App. B., form 19.

Township treasurer to apply to county treasurer for moneys.

To notify township clerk of moneys.

(§72.) SEC. 20. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

(§73.) SEC. 21. The township treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

Moneys due fractional districts.

(§74.) SEC. 22. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situated, for any money to which such district may be entitled; and when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

CHAPTER V.

COUNTY CLERK AND TREASURER.

County clerk to receive and dispose of communications, etc.

(§75.) SECTION 1. It shall be the duty of each county clerk to receive all such communications, blanks, and documents as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

County clerk to examine inspectors' reports.

(§76.) SEC. 2. The clerk of each county shall, immediately after receiving the annual reports of the several boards of school inspectors, examine into the correctness of such reports, and shall, when necessary, require the same to be amended; he shall then indorse his approval upon them, and shall immediately, and before the first day

To approve the same.

How disposed of.

of November in each year, transmit to the superintendent of public

instruction one copy of the duplicate reports of each of said several boards, and the other copy he shall file in his office. And on receiving notice from the superintendent of public instruction of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

See § 142.
Notice of apportionment of moneys.

(§77.) SEC. 3. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

County treasurer to apply for moneys appropriated.

To notify township clerks of amounts.

CHAPTER VI.

BONDED INDEBTEDNESS OF DISTRICTS.

(§78.) SECTION 1. Any school district may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school-house site or sites, and to erect and furnish school buildings, as follows: Districts having less than thirty children between five and twenty years of age, may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars; and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this section the director, assessor, and one person appointed by the district board, shall constitute a board of inspection, who shall cause a poll-list to be kept, and a suitable ballot-box to be used, which shall be kept open two hours, and said ballotings shall be conducted in the same manner as at township elections.

Districts may borrow money and issue bonds.

Amount limited.

Proviso—time for which bonds may be issued.

Proviso—regulations at elections to issue bonds.

(§79.) SEC. 2. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district, in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board

Issuing bonds for money borrowed.

Interest thereon. shall direct, and with such rate of interest, not exceeding eight per centum per annum, and payable at such time or times as the said district shall have directed.

Voters may raise tax to redeem bonds. (§80.) SEC. 3. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district, for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

District may borrow money to pay bonds and issue further bonds. Proviso. (§81.) SEC. 4. Any school district, whenever it shall appear that the same can be done on terms advantageous to said district, may borrow money to pay any bonded indebtedness of said district then existing, and issue further bonds of said district therefor: *Provided*, That a majority of the qualified voters of said district shall so determine, at an annual or special meeting called for that purpose; and that the notice of such meeting, whether annual or special, shall state the intention to take such vote.

CHAPTER VII.

SUITS AND JUDGMENTS AGAINST DISTRICTS.

See App. A., §§ 46-58. Justices to have jurisdiction in certain cases. (§82.) SECTION 1. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, when the amount claimed, or matter in controversy shall not exceed one hundred dollars; and the parties shall have the same right of appeal as in other cases.

Suit against district, how commenced. (§83.) SEC. 2. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the assessor of the district at least eight days before the return day thereof.

No execution to issue against district. (§84.) SEC. 3. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this act.

Assessor to certify to supervisor judgment against district. (§85.) SEC. 4. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the assessor of the district shall certify to the supervisor of the township and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

When assessor fails to certify, how party may proceed. (§86.) SEC. 5. If the assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators, or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment showing the facts which should have been certified by the assessor.

How judgment certified in case of fractional district. (§87.) SEC. 6. If the district against whom any such judgment shall be rendered is situated in part in two or more townships, a certificate

thereof shall be delivered as aforesaid to the supervisor of each township in which such district is in part situated.

(§88.) SEC. 7. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes; and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

Supervisors to assess amount of judgment.

How collected and returned.

CHAPTER VIII.

SITES FOR SCHOOL-HOUSES.

(§89.) SECTION 1. The qualified voters of any school district, when lawfully assembled, may designate by a vote of two-thirds of those present, such number of sites as may be desired for school-houses, and may change the same by a similar vote at any annual meeting. When no site can be established by such inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final, subject to alteration afterward by the inspectors, on the written request of two-thirds of the qualified voters of the district, or by two-thirds of the qualified voters agreeing upon a site, at a district meeting lawfully called.

See App. A., §§ 61-71. Voters to designate sites.

When inspectors shall determine site.

See App. B., form 17.

(§90.) SEC. 2. Whenever a site for a school-house shall be designated, determined, or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title, in fee simple to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate: *Provided*, That whenever any school district shall have designated, selected, or established, in any manner provided by law, a school-house site, such selection, designation, or establishment shall be *prima facie* evidence to said jury of the necessity to use the site so established.

Disagreement upon compensation for site.

Board to apply for a jury.

Contents of application.

Proviso—evidence of necessity for site.

(§91.) SEC. 3. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or *venire*, directed to the

Jury to be summoned.

sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty nor more than fifty days from the time of issuing such summons or *venire*, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such jury is summoned; which notice shall be served at least ten days before the time specified in such summons or *venire* for the jury to appear as hereinbefore mentioned.

Owner to be notified.

Notice in case owner is unknown, etc.

(§92.) SEC. 4. Thirty days' previous notice of the time when and the place where such jury will assemble shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when and place where such jury will assemble, and the object for which they will assemble; or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

Return of venire and proceedings thereon.

(§93.) SEC. 5. It shall be the duty of such judge, commissioner, or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them to attend at the time and place specified in such summons or *venire*; and the officer who summoned the jury shall return such summons or *venire* to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found; and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or *venire* for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or *venire* for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may

Attachment may issue to enforce obedience to process.

enforce obedience to such summons, *venire*, or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

(§94.) SEC. 6. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain, and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district; and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner, or justice in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and, from such examination and such other evidences as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate, describing it, should be used as a site for a school-house for such district; also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and indorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director, or to any member of the district board of such school district.

Jury to be sworn.

Subpœnas for witnesses.

Jury to ascertain necessity for taking land.

To determine compensation therefor.

Court to make certificate.

(§95.) SEC. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

Collection of judgment.

(§96.) SEC. 8. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same, as herein required: *Provided*, That no such money shall be drawn from

When owner is unknown, etc., money to be deposited with county treasurer.

Proviso—
how money to
be drawn from
county treasurer.

such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

On payment
court to decree
title vested in
district.

(§97.) SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate; a copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its successors and assigns in fee.

Copy of decree
to be recorded.

When district to
take possession.

Writ of posses-
sion to be issued
by county clerk
to sheriff.

(§98.) SEC. 10. Such school district may, at any time after making payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said district. And it shall be the duty of the county clerk of said county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of said county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

Sheriff to remove
respondent.

When jury dis-
agrees proceed-
ings may be
adjourned and
new jury sum-
moned.

(§99.) SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to. Such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

Adjournments
not to exceed
three months.

Proceedings
in case of in-
cumbrances.

(§100.) SEC. 12. In case the said school-house site is encumbered by mortgage, levy, tax sale, or otherwise, as aforesaid, the mortgagee, or other parties claiming to be interested in said title, shall severally

be made a party to the procedure as aforesaid, and shall be authorized upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to the said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

Duty of circuit judges.

(§101.) SEC. 13. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein indorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid by him.

How money deposited with county treasurer may be drawn.

(§102.) SEC. 14. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings. Jurors, constables, and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

Compensation of officers, etc., on proceedings.

(§103.) SEC. 15. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or *venire* for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace may attend and finish said proceedings.

When judge, etc., unable to attend, another may finish proceedings.

CHAPTER IX.

APPEALS FROM ACTION OF INSPECTORS.

(§104.) SECTION 1. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors, to the township board of the township in which such school district is situated: and in case of fractional school districts, such appeal shall be made to the several township boards of

See App. A., §§ 4-9. When electors may appeal.

How made in fractional districts.

Powers and duties of township board.

the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be, acting jointly, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or if in their opinion the appeal is frivolous, or without sufficient cause, they may summarily dismiss the same.

Appellants to file statement of cause.

(§105.) SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or, in case of fractional school districts, to the joint boards of school inspectors, a written statement, to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township, or townships, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or joint boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or joint boards of school inspectors, a bond to the people of the State of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards, acting jointly, and also, in case of the dismissal of said appeal as frivolous, by said township board or joint boards, for the payment by said appellants of all costs occasioned to the township or townships, by reason of said appeal.

Appellants to execute bond.

Where filed.

Duty of inspectors when appeal is filed.

(§106.) SEC. 3. Upon the filing of such appeal papers and bond with the said board or joint boards of school inspectors, the said board or joint boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township in which the said school-house is located, a full and complete transcript of all their proceedings, actions, orders, or decisions with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the said township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors; and when such return shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner and under such affirmation, amendment, or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, if they deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority of such township board or boards, not members of said board or boards of school inspectors, shall so determine.

When township board deemed in possession of case.

Proceedings in the appeal.

When members of township board cannot act in determining case.

See App. A., §§ 12, 13.

CHAPTER X.

GRADED SCHOOL DISTRICTS.

(§107.) SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years, may, by a two-thirds vote of the qualified electors present at any annual meeting, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed in the notice of such annual meeting. When such change in the organization of the district shall have been voted, the voters at such annual meeting shall proceed immediately to elect, by ballot, from the qualified voters of the district, two trustees for the term of one year, two for a term of two years, and two for a term of three years; and annually thereafter two trustees shall be elected, in the manner aforesaid, whose term of office shall be three years, and until their successors shall have been elected and filed their acceptances.

See App. A., §§ 72-78.
What districts may organize as such.

Proviso—notice of meeting.

Election of trustees.

Term of office.

(§108.) SEC. 2. Within ten days after their election such trustees shall file with the director acceptances of the offices to which they have been elected, and shall annually elect from their own number a moderator, a director, and assessor, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in other school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said trustees.

Acceptance of offices to be filed. See App. B., form 5.
Officers to be elected by trustees.

Vacancy in board, how filled.

When inspectors shall appoint officers.

See App. B., form 15.

(§109.) SEC. 3. It shall be the duty of the board of trustees of any graded school district:

Duty of trustees.

First, To classify and grade the pupils attending school in such district, and cause them to be taught in such schools or departments as they may deem expedient;

To classify pupils.

Second, To establish in such district a high school when ordered by a vote of the district at an annual meeting, and to determine the qualifications for admission to such school, and the fees to be paid for tuition in any branches taught therein;

To establish high school, etc.

Third, To audit and order the payment of all accounts of the director for incidental or other expenses incurred by him in the discharge of his duties; but no more than fifty dollars shall be expended by the director in any one year for repairs of the buildings or appurtenances of the district property without the authority of the board of trustees;

To audit and pay director's accounts.

Fourth, To employ all qualified teachers necessary for the several schools, and to determine the amount of their compensation, and to require the director and moderator to make contracts with the same on behalf of the district, in accordance with the provisions of law concerning contracts with teachers;

To employ teachers. See § 40.

See App. B., form 26.

See App. A., §§ 38-45.

Fifth, To employ such officers and servants as may be necessary

To employ officers, etc.

for the management of the schools and school property, and prescribe their duties and fix their compensation ;

Other duties.
See Chap. III.

Sixth, To perform such other duties as are required of district boards in other school districts.

Consent of trustees necessary to change in boundaries of district.

(§110.) SEC. 4. No alteration shall be made in the boundaries of any graded school district, without the consent of a majority of the trustees of said district, which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township or city to which the reports of said district are made ; and graded school districts shall not be restricted to nine sections of land.

Such districts not restricted in size.

CHAPTER XI.

LIBRARIES.

Township libraries to be maintained.

(§111.) SECTION 1. A township library shall be maintained in each organized township, which shall be the property of the township, and shall not be subject to sale or alienation from any cause whatever. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the township.

Who are entitled to privileges of library.

(§112.) SEC. 2. All persons who are residents of the township shall be entitled to the privileges of the township library, subject to such rules and regulations as may be lawfully established in relation thereto: *Provided*, That persons residing within the boundaries of any school district in which a district library has been established shall be entitled to the privileges of such district library only.

Proviso.

Inspectors to have charge.
See App. B., form 13.

(§113.) SEC. 3. The township board of school inspectors shall have charge of the township library, and shall apply for and receive from the township treasurer all moneys appropriated for the township library of their township, and shall purchase the books and procure the necessary appendages for such library.

See App. A., §§ 79-81.

Inspectors accountable for care, etc., of library.

(§114.) SEC. 4. Said board shall be held accountable for the proper care and preservation of the township library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, to assess and collect fines and penalties for the loss or injury of said books, and to establish all other needful rules and regulations for the management of the library, as said board shall deem proper, or the superintendent of public instruction may advise.

Powers of inspectors.

See App. C.

Where library to be kept.

(§115.) SEC. 5. The board of school inspectors shall cause the township library to be kept at some central or eligible place in the township, which it shall determine ; and such board shall also appoint a librarian, to have the care and superintendence of said library, who shall be responsible to the board of school inspectors for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

Librarian.

What districts may establish libraries.

(§116.) SEC. 6. Any school district having a school census of not less than one hundred children, by a two-thirds vote, at any annual meeting, may establish a district library, and such district shall be entitled to its just proportion of books from the library of any township in

which it is wholly or partly situated, to be added to the district library, and also to its equitable share of any library moneys remaining unexpended in any such township or townships at the time of the establishment of such district library, or that shall thereafter be raised by tax in such township or townships, or that shall thereafter be apportioned to the township to the inspectors of which the annual report of its director is made.

(§117.) SEC. 7. The district board of any school district in which a district library may be established in accordance with the provisions of this act shall have charge of such library; and the duties and responsibilities of said district board in relation to the district library, and all moneys raised or apportioned for its support, shall be the same as those of the board of school inspectors are to the township library.

District board to have charge of district library.

(§118.) SEC. 8. The school inspectors shall give in their annual report to the superintendent of public instruction, such facts and statistics relative to the management of the township library and the library moneys, as the superintendent of public instruction shall direct; and the district board of any school district having a library, shall cause to be given in the annual report of the director to the board of school inspectors, like facts and statistics relative to the district library, which items shall also be included by the said inspectors in their annual report.

Inspectors to report library statistics to State superintendent.

(§119.) SEC. 9. In case the board of school inspectors of any township, or the district board of any school district, shall fail to make the report required by the preceding section, or in case it shall appear from the reports so made that any township or school district has failed to use the library money in strict accordance with the provisions of law, such township or district shall forfeit its share of the library moneys that are apportioned, and the same shall be apportioned to the several other townships and districts in the county as hereinafter provided: *Provided*, That in townships where the boards thereof shall determine and report to the superintendent that the public will be better served by using the said money for general school purposes, no such forfeiture shall occur.

Failure to report or illegal use of moneys to cause forfeiture of moneys thereafter.

Proviso.

(§120.) SEC. 10. The superintendent of public instruction shall annually and previous to the tenth day of May, transmit to the clerk of each county a statement of the townships in his county that are entitled to receive library moneys, giving the number of children in each of such townships between the ages of five and twenty years, as shall appear from the reports of the boards of school inspectors for the school year last ending; said clerk shall file such statement in his office, and shall forthwith furnish a copy thereof to the county treasurer.

State superintendent to provide county clerk with statement.

Statement to be filed and copy given to county treasurer.

(§121.) SEC. 11. The clear proceeds of all fines for any breach of the penal laws of this State and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemptions [exemption] from military duty when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already appropriated [apportioned], shall be

Apportionment of proceeds of penal fines.

See App. A, ¶ 81.



How applied.	apportioned by the county treasurer before the first day of June in each year, among the several townships in the county, according to the number of children therein, between the ages of five and twenty years, as shown by the statement of the superintendent of public instruction provided for in the preceding section, which money shall be exclusively applied to the support of the township and district libraries, and to no other purpose: <i>Provided</i> , That from and after January first, one thousand eight hundred and eighty-two, such money may be used for general school purposes in any township wherein the township board thereof shall so determine.
Proviso.	
Voters may levy tax for support of libraries.	(§122.) SEC. 12. The qualified voters of each township shall have power, at any annual township meeting, to vote a tax for the support of libraries established in accordance with the provisions of this act, and the qualified voters of any school district, in which a district library shall be established, shall have power, at any annual meeting of such district, to vote a district tax for the support of said district library. When any tax authorized by this section shall have been voted, it shall be reported to the supervisor, levied, and collected in the same manner as other township and school district taxes.
How tax to be reported, assessed, and collected.	
District board may give or sell books to township library.	(§123,) SEC. 13. The district board of any school district may donate or sell any library book or books belonging to such district to the board of school inspectors of the township or townships in which said district is wholly or partly situated, which book or books shall thereafter form a part of the township library.
State board of education to make list of books.	(§124.) SEC. 14. It shall be the duty of the State board of education to make a list of books that are not sectarian or partisan in character, and which are suitable for township and district libraries, which list it may from time to time revise and amend; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the townships or districts ordering them, in suitable binding and at stipulated prices; said contract to be made biennially, and the advertisements for proposals to be inserted in at least two papers of the largest circulation in the State for one month before making the contract. Previous to the first day of January in each year, the superintendent of public instruction shall send to the clerk of each township and the director of each district having a district library, a list of the books contracted for, with the prices of the same, from which list the township board of school inspectors, or district board, may annually, or oftener, select and purchase books for the township or district libraries, to the full amount of library moneys in their hands: <i>Provided</i> , That nothing herein contained shall prevent any board of school inspectors or district board from purchasing such other books not of a sectarian character as they may desire.
To contract for same.	
State superintendent to furnish list to officers in charge of libraries.	
Proviso.	

CHAPTER XII.

EXAMINATION OF TEACHERS AND SUPERVISION OF SCHOOLS.

Election of school examiners.	(§125.) SECTION 1. The chairmen of the boards of school inspectors of the several townships in each county shall meet at the office
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of the county clerk of their county on the first Tuesday of August, in the year eighteen hundred and eighty-one, and elect three school examiners for the county, one of whom shall hold his office for one year, one for two years, and one for three years; and annually thereafter, on the first Tuesday of August, said chairman [chairmen] of the several boards of school inspectors in each county shall meet as aforesaid, and elect one school examiner, who shall hold his office for the term of three years, or until his successor has been duly elected and qualified: *Provided*, That when there shall have been no previous election for members of the board of school examiners in any county, there shall be three such officers elected, one for one year, one for two years, and one for three years. The county clerk shall be the clerk of such election in all cases, and, in case of a tie, shall give the casting vote, and he shall preserve a record of such election in a book to be kept for that purpose, and shall immediately after such election notify each of the persons so elected of his election. The school examiners so elected shall, within ten days after receiving notice of their election, take and subscribe the constitutional oath of office, the same to be filed with the county clerk, and shall enter upon the duties of their offices the fourth Tuesday of August following their election.

Term of office.

Proviso.

Duties of county clerk in relation to election, etc.

Oath of examiners to be filed.

(§126.) SEC. 2. The school examiners shall meet at the office of the county clerk and organize as a board on the fourth Tuesday of August of each year, by electing one of their number to serve as secretary of said board of examiners, who shall be the executive officer of said board. The school examiner, other than the secretary, whose term of office will soonest expire, shall be the chairman of said board.

When and how examiners shall organize as a board.

(§127.) SEC. 3. The board of school examiners, for the purpose of examining all persons who may offer themselves as teachers for the public schools, shall hold two regular public examinations in each year at the county seat, which examinations shall be on the last Friday of March and October: for a like purpose, said board shall also hold special public examinations, not exceeding one for every twenty-five school districts and parts of that number, in the county, during each year, at such other times and places as said board may deem proper: *Provided*, That counties having less than sixty school districts may have not to exceed two special public examinations in addition to those hereinbefore provided. It shall be the duty of the secretary of the board of school examiners to make out a schedule of the times and places of holding special examinations, and to cause it to be published in one or more newspapers of the county during the year, and he shall send a copy thereof to the chairman of each township board of school inspectors of the county, at least ten days previous to the time of holding any special examination.

Public examination of teachers.

Special examinations.

Proviso.

Schedule to be made and published.

(§128.) SEC. 4. The board of school examiners shall grant certificates to teachers in such form as the superintendent of public instruction shall prescribe, licensing as teachers all persons whom on thorough and full examination shall be found qualified in respect to good moral character, learning and ability, to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writ-

Certificates, to whom granted.

ing, grammar, geography, arithmetic, and the theory and art of teaching, and after the year eighteen hundred and eighty-one, history of the United States and civil government; and all certificates shall be signed by the secretary and chairman of said board. No person shall be considered a qualified teacher within the meaning of the school law, nor shall any school officer employ or contract with any person to teach in any of the public schools who has not a certificate in force, granted by the board of school examiners of the county, or other lawful authority: *Provided*, That the certificates heretofore granted by the township superintendents of schools shall be valid for the time for which they were given, unless sooner suspended or revoked by the board of school examiners: *Provided, also*, That the several chairmen of township boards of school inspectors may examine and license teachers for their respective townships until the county school examiners are duly elected and qualified; but no certificate hereafter granted by a chairman of a township board of school inspectors shall be valid beyond three months after the board of school examiners has been duly elected, qualified, and organized in the county.

(§129.) SEC. 5. There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the superintendent of public instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who shall have taught at least one year with ability and success, and it shall be valid throughout the county in and for which it shall be given, for three years. The certificate of the second grade shall be granted only to those who shall have taught at least six months with ability and success, and it shall be valid throughout the county for which it shall be granted, for two years. The certificate of the third grade shall license the holder thereof to teach in the county for which it shall be granted, for one year: *Provided*, That the secretary of the board of school examiners shall have power, upon personal examination satisfactory to himself, and subject to such rules and regulations as the board of school examiners may establish, to grant special certificates, which shall license the holder thereof to teach in a specified district for which it shall be granted; but such certificate shall not continue in force beyond the time of the next public examination by the board of school examiners, and it shall not in any way exempt the teacher from a full examination before said board; the teacher so licensed by the secretary shall, in addition to the regular institute fee required by law, pay to the secretary a special examination fee, not to exceed one dollar, as may be fixed by the board of school examiners, and said fee shall be compensation in full to the secretary for his services in holding such special examination.

(§130.) SEC. 6. The board of school examiners may suspend or revoke any teacher's certificate for any reason which would have justified said board in withholding the same when given—for neglect of duty, for incompetency to instruct or govern a school, or for immorality; and said board may, within its jurisdiction, suspend,

None but teachers having legal certificates to be employed.

Proviso.

Proviso.

Grades of certificates.

First.

Second.

Third.

Proviso—special certificates.

Limit of special certificates.

Suspension or revocation of certificates.

for immorality or incompetency to instruct and govern a school, the effect of any teacher's certificate that may have been granted by other lawful authority: *Provided*, That no certificate shall be suspended or revoked without a personal hearing, unless the holder thereof shall, after reasonable notice, neglect or refuse to appear before the board of school examiners for that purpose. Proviso.

(§131.) SEC. 7. It shall be the duty of the board of school examiners and the chairman [chairmen] of the board [boards] of school inspectors of the several townships to hold each year a joint meeting at the county seat at the time of and immediately after the annual election of school examiners, for the purpose of consulting and advising with reference to the more efficient supervision of the schools and teachers under their charge. The chairman of the board of school examiners shall preside at such joint meeting, and the secretary of the board of school examiners shall be secretary of such meeting. Examiners and inspectors to hold joint meetings yearly.

(§ 132.) SEC. 8. Special meetings of the board of school examiners may be called by the secretary of said board, as hereinafter provided, and at any meeting of the board of school examiners any two members thereof may transact any business that may lawfully come before such meeting. In case the secretary be not present at any meeting of the board, the examiner, acting as secretary, shall certify to the secretary a correct record of the proceedings, and the result of examinations at such meeting. Special meetings of board of examiners.

(§ 133.) SEC. 9. It shall be the duty of the secretary of the board of school examiners: Duties of secretary.

First, Immediately upon his election as secretary to send notice thereof to the superintendent of public instruction, and to the chairman of each township board of school inspectors of the county; To send notice of his election to certain officers.

Second, To be present at all meetings of the board, and to keep a record of all proceedings of the board; To keep records of board.

Third, To keep a record of all examinations held by the board, and to sign all certificates and other papers and reports issued by said board; To sign certificates, etc.

Fourth, To act as treasurer of the board for the purpose of collecting the institute fees provided by law, and paying the same to the county treasurer; To act as treasurer of board. See § 154.

Fifth, To keep a record of all certificates granted, suspended, or revoked by the board, showing to whom issued, together with the date, grade, and duration of each certificate, and if suspended or revoked, the date and reason therefor; To keep record of certificates.

Sixth, To furnish, previous to the first Monday in September in each year, to the township clerk of each township in the county, a list of all persons legally authorized to teach in the county at large, and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation; To send to township clerks lists of qualified teachers.

Seventh, To visit any school in the county and examine into its condition whenever he shall receive notice from the chairman of the board of school inspectors of the township in which such school is being taught, that said school is not successfully and profitably conducted and report the result of his investigation to the board of To visit schools in certain cases.

May call special meetings of board.	school examiners. If, after such investigation, he deems the teacher of such school incompetent in any respect, he may call a special meeting of the board of school examiners for the purpose of suspending or revoking the certificate of said teacher, and cite said teacher to appear before such meeting;
To be subject to instructions of State superintendent.	<i>Eighth</i> , To be subject to such instructions and rules as the superintendent of public instruction may prescribe; to receive all blanks and communications that may be sent to him by the superintendent of public instruction, and to dispose of the same as directed by the said superintendent; and to make annual reports at the close of the school year to the superintendent of public instruction, of the official labor performed by the board of school examiners, and of the general condition and management of the schools of the county, together with such other information as may be required of him;
To make annual reports.	
Other duties.	<i>Ninth</i> , To perform such other duties as may be required of him by law, or the board of school examiners; and to deliver all records, books, and papers belonging to his office to his successor.
Duties of school inspector.	(§134.) SEC. 10. It shall be the duty of the chairman of the board of school inspectors of each township:
To visit schools.	<i>First</i> , To visit each of the schools in his township, at least once each term, and to examine carefully the discipline, the mode of instruction, and the progress and proficiency of the pupils;
To advise with teachers and district boards.	<i>Second</i> , To counsel with the teachers and district boards as to the courses of study to be pursued, and as to any improvement in discipline and instruction in the schools;
To note condition of school-houses, etc.	<i>Third</i> , To note the condition of the school-houses and the appurtenances thereto, and to suggest plans for new houses to be erected, and for warming and ventilating the same, and for the general improvement of school-houses and grounds;
To promote the improvement of the schools.	<i>Fourth</i> , To promote by such means as he may devise, subject to the advice of the board of school examiners, the improvement of the schools in his township, and the elevation of the character and qualifications of the teachers and officers thereof;
To notify secretary of unprofitable schools.	<i>Fifth</i> , To notify the secretary of the board of school examiners of any school within his township that is not being conducted in a successful and profitable manner;
To make reports required.	<i>Sixth</i> , To make such reports of his official labors, and the condition of the schools, as the superintendent of public instruction may direct, or the board of school examiners request;
Other duties.	<i>Seventh</i> , To perform such other duties as may be required of him by law, or that the superintendent of public instruction may direct.
Compensation of examiners.	(§135.) SEC. 11. Each member of the board of school examiners shall receive four dollars for each day actually employed in the duties of his office: <i>Provided</i> , That the number of days in any one year shall not exceed the number of special public examinations appointed by the board and ten days for attendance upon the regular public examinations and other meetings of the board, as authorized by this act: <i>Provided, also</i> , That the secretary of the board of school examiners shall receive two dollars for each school district in the county, which shall be payment in full for all services and expenses
Proviso.	
Proviso—compensation of secretary.	

in the performance of his duties as such secretary. The compensation of each member of the board of school examiners shall be paid quarterly from the county treasury, upon such member filing with the county clerk a sworn statement of his account, signed by the chairman and secretary of the board of school examiners, and obtaining an order from the county clerk upon the county treasurer for the amount of such account. The compensation of the several chairman [chairmen] of the township boards of school inspectors, when in attendance at the annual joint meeting with the board of school examiners, shall be three dollars per day, and when visiting schools in his township, as provided in this act, two dollars per day, the same to be audited by the township boards of their respective townships, and paid as other expenses of townships.

How paid.

Compensation of chairman of board of inspectors.

How paid.

(§136.) SEC. 12. Any member of a board of school examiners may be removed from office by the judge of probate of the county for immorality, incompetency, or neglect of duty; but no member of such board of school examiners shall be removed from office without an opportunity to answer to the charges made against him, and all such charges shall be made in writing. Whenever, by death, resignation, removal, or otherwise, a vacancy shall occur in the board of school examiners of any county, the judge of probate of such county shall have power to fill such vacancy for the unexpired portion of the term.

Removal of examiner from office.

Vacancy, how filled.

(§137.) SEC. 13. All schools which by special enactment may have a district board authorized to inspect and grant certificates to the teachers employed by the same, shall be exempt from the provisions of this act as to the inspection of teachers. The officers of every school district which is or shall hereafter be organized in whole or in part in any incorporated city in this State, where no special enactments shall exist in regard to the inspection of teachers, shall have power to inspect and license, or cause to be inspected and licensed, teachers for such district, and such license shall be valid not to exceed three years.

What schools exempt from provisions of this chapter.

Officers in certain districts to examine teachers.

CHAPTER XIII.

PENALTIES AND LIABILITIES.

(§138.) SECTION 1. Any taxable inhabitant of a newly formed district receiving the notice of the first meeting, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this act shall respectively forfeit the sum of five dollars.

Penalty on inhabitant for neglect of duty.

(§139.) SEC. 2. Any person duly elected to the office of moderator, director, assessor, or trustee of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on district officer for neglecting or refusing to perform duties.

(§140.) SEC. 3. Any person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to

Penalty on inspector for neglect or refusal.

qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Liability of
inspectors for
neglecting to
report.

(§141.) SEC. 4. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report as required by this act, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case; and if any township clerk shall neglect or refuse to transmit the report herein mentioned within the time limited therefor, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

Liability of
township clerk.

Liability of
county clerk for
neglect to trans-
mit reports.

(§142.) SEC. 5. Any county clerk who shall neglect or refuse to transmit to the superintendent of public instruction the reports required by this act, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

How moneys
collected on
account of neg-
lect disposed of.

(§143.) SEC. 6. All the moneys collected or received by any township treasurer under the provisions of either of the two last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this act, have been apportioned and distributed.

Liability of
township clerk
and supervisor
in regard to
district taxes.

(§144.) SEC. 7. Any township clerk who shall neglect or refuse to certify to the supervisor any school district taxes that have been reported to him as required by this act, and any supervisor willfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor in the name of the district, in an action of debt, or on the case.

When township
board to remove
certain officers.

(§145.) SEC. 8. The township board of each township, and in the case of fractional school districts, the township board of the township in which the district school-house thereof is situated, shall have power and is hereby required to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently and without sufficient cause refuse or neglect to discharge any of the duties of his office. And in case of such removal it shall be the duty of the township clerk of such township to enter in the records of such township the resolution or order of such board, for such removal; and such record of such resolution or order so entered, or a certified copy thereof, shall be *prima facie* evidence in all courts and places of the jurisdiction of such board and of the regularity of the proceedings for such removal, and (unless the party so removed shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the removal of such order for removal, or if after such thirty days such

See App. A.,
§§ 10-15.

Township clerk
to record order
for removal.

Party removed
may institute
proceedings for
removal of order
of township
board.

proceedings to obtain such removal shall be discontinued or dismissed) shall be conclusive evidence of jurisdiction and regularity, if it shall appear that the party so removed had five days' notice of the time and place fixed by said board for the hearing of the case as aforesaid.

(§146.) SEC. 9. No school officer, superintendent, or teacher of schools, shall act as agent for any author, publisher, or seller of school books, or shall directly or indirectly receive any gift or reward for his influence in recommending the purchase or use of any library or school book or school apparatus, or furniture whatever, nor shall any school officer be personally interested in any way whatever in any contract with the district in which he may hold office. Any act or neglect herein prohibited, performed by any such officer, superintendent, or teacher, shall be deemed a misdemeanor.

School officers and teachers not to act as school book agents, etc.
School officers not to be interested in contracts in certain cases.
Such acts deemed misdemeanors.

(§147.) SEC. 10. All provisions of this act shall apply and be in force in every school district, township, city and village in this State, except such as may be inconsistent with the direct provisions of some special enactment of the legislature.

Where this act shall apply.

(§148.) SEC. 11. Chapters numbered one hundred and thirty-one, one hundred and thirty-six, one hundred and thirty-seven, and one hundred and thirty-eight of the compiled laws of eighteen hundred and seventy-one, and act numbered forty-two of the session laws of eighteen hundred and seventy-five, and all acts and parts of acts amendatory of said chapters and said act, being acts numbered forty-one, forty-two, fifty-six, and sixty-three of the session laws of eighteen hundred and seventy-two, acts numbered forty-four, sixty-nine, seventy-one, seventy-six, ninety-eight, one hundred and nineteen, one hundred and thirty-two, one hundred and sixty-four, and one hundred and ninety-three of the session laws of eighteen hundred and seventy-three, acts numbered thirty-six, fifty-one, eighty-four, ninety-four, one hundred and six, one hundred and sixty-seven, one hundred and eighty-three, and two hundred and thirty of the session laws of eighteen hundred and seventy-five, acts numbered seventy-seven and one hundred and seventy-three of the session laws of eighteen hundred and seventy-seven, acts numbered forty-four, forty-six, one hundred and fifty-nine, one hundred and sixty-four, two hundred and fifty-four, two hundred and fifty-five, and two hundred and sixty-four of the session laws of eighteen hundred and seventy-nine, and all other acts and parts of acts contravening the provisions of this act are hereby fully repealed.

Chapters and acts repealed.

CHAPTER XIV.

Act No. 188, Laws of 1881.

ELECTION OF SCHOOL INSPECTORS.

(§149.) SECTION 1. *The People of the State of Michigan enact*, That sections eight and fourteen of chapter twelve, of the compiled laws of eighteen hundred and seventy-one, as amended by act number forty-two of the session laws of eighteen hundred and seventy-

Sections amended.

five, are hereby amended, and section thirteen of the same chapter, repealed by said act, is hereby restored and amended, and section one hundred and three of the same chapter, as amended by act number one hundred and ninety-nine of the session laws of eighteen hundred and seventy-nine, is hereby amended, all of said sections to read as follows:

- Annual meeting.** (§ 150.) SEC. 8. The annual meeting of each township shall be held on the first Monday in April, in each year, and at such meeting there shall be an election for the following officers: one supervisor, one township clerk, one treasurer, one school inspector, one commissioner of highways, so many justices of the peace as there are by law to be elected in the township, and so many constables as shall be ordered by the meeting, not exceeding four in number.
- Officers to be elected.**
- Term of office of school inspectors.** (§ 151.) SEC. 13. Each school inspector elected as aforesaid shall hold his office for two years from that time and until his successor shall be elected and duly qualified, except when elected or appointed to fill a vacancy, in which case he shall hold the office during the unexpired portion of the regular term: *Provided*, That in the year eighteen hundred and eighty-two one additional school inspector in each township shall be elected for the term of one year: *Provided further*, That the township superintendent of schools and school inspectors now in office shall continue to act as school inspectors, and said superintendent of schools shall continue to act as chairman of the board of school inspectors until the school inspectors provided for by this act shall have been elected and duly qualified and shall enter upon the duties of their respective offices.
- Vacancy.**
- Proviso.**
- Proviso.**
- Term of office.** (§ 152.) SEC. 14. Each of the officers elected at such meetings, except justices of the peace and school inspectors, shall hold his office for the term of one year, and until his successor shall be elected and duly qualified.
- Who eligible to office.** (§ 153.) SEC. 103. No person, except an elector, as aforesaid, shall be eligible to any elective office contemplated in this chapter: *Provided, however*, That any female person of or above the age of twenty-one years, who has resided in this State three months and in the township ten days next preceding any election, shall be eligible to the office of school inspector.
- Proviso.**

CHAPTER XV.

Act No. 53, Laws of 1877.

TEACHERS' INSTITUTES.

- Examining officers to collect fees from teachers.** (§154.) SECTION 1. *The People of the State of Michigan enact*, That all school boards or officers, authorized by law to examine applicants for license to teach, or to give certificates of qualification to teachers, shall collect from each male applicant receiving a certificate, a fee of one dollar, and from each female applicant receiving a certificate, a fee of fifty cents, to be used as hereinafter provided: *Provided*, That no teacher shall be required to pay said fee more than once in any school year.
- Proviso.**

(§155.) SEC. 2. All such fees received by the examiner shall be

paid over to the county treasurer of the county in which they are collected, on or before the first day of January, April, July, and October, in each year, accompanied by a list of those persons to whom certificates have been granted; and all moneys so paid over to the county treasurers shall be set apart as a fund, to be known as an institute fund, for the support of teachers' institutes, as hereinafter provided.

Fees to be paid to county treasurer quarterly.

Fees so paid to constitute teachers' institute fund.

(§156.) SEC. 3. The superintendent of public instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor, and give due notice thereof: *Provided*, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of such institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held: *Provided, however*, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute may unite in the required application to said superintendent: *Provided, also*, That the said superintendent may, in his discretion, hold an institute for the benefit of two or more adjoining counties, and draw the institute fund from each of the counties thus benefited, as herein-after provided.¹

Annual county institute.

Proviso.

Proviso.

Proviso.

(§157.) SEC. 4. Said superintendent, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person for that purpose.

Conductor of institute may be appointed.

(§158.) SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, may demand of the county clerk of each county for the benefit of which the institute is held, who shall thereupon draw an order on the county treasurer of his county for such sum, not exceeding the amount of the institute fund in the county treasury, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said Superintendent or duly appointed institute conductor, from the institute fund in his hands, the amount of said order.¹

Expenses of institute, how paid.

(§159.) SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act, the auditor general shall, upon the certificate of the superintendent that he has made arrangements for holding such institute, and that the county institute fund is insufficient to meet the expenses thereof, draw his warrant upon the state treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute; which sum shall not exceed sixty dollars for each institute of five days' duration, and shall be paid out of the general fund.

May draw on State treasurer, in certain cases.

¹As amended by Act No. 63, Laws of 1879.

Yearly State
institute.

Expenses to be
paid from State
treasury.

Proviso.

Vouchers for
payments.

Acts repealed.

(§160.) SEC. 7. The superintendent is authorized to hold, once in each year, an institute for the State at large, to be denominated a State institute; and for the purpose of defraying the necessary expenses of such institute, the auditor general shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the state treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars, and shall be paid out of the general fund: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury, or any greater liability incurred in any one year, to meet the provisions of this act.

(§161.) SEC. 8. The superintendent of public instruction, or the conductor of the institute by him appointed, drawing money from the county treasurer, under section five of this act shall at the close of each institute, furnish to the county treasurer, vouchers for all payments from the same in accordance with this act, and he shall return to the county treasurer, whatever of the amount that may remain unexpended, to be replaced in the institute fund.

(§162.) SEC. 9. An act entitled "An act to establish teachers' institutes," approved February tenth, eighteen hundred and fifty-five, as amended by act two hundred and thirty-nine, session laws of eighteen hundred and sixty-one, being compiler's sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one of the compiled laws of eighteen hundred and seventy one, are hereby repealed.

CHAPTER XVI.

Act No. 104, Laws of 1857.

NORMAL SCHOOL DIPLOMAS AND CERTIFICATES.

Diplomas may be
granted gradu-
ates.

(§163.) SECTION 1. The State board of education is authorized to grant to such students as shall have completed the full course of instruction in the State normal school, and shall have been recommended by the board of instruction, a diploma, which, when signed by the members of the board of education and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State normal school, and entitled to all the honors and privileges belonging to such graduates.¹

Certificates to
graduates.

Copy, where
filed and effect of.

When may be
suspended.

(§164.) SEC. 2. The board of instruction of the State normal school shall give to every graduate receiving such diploma a certificate, which shall serve as a legal certificate of qualification to teach in any of the schools of this State, when a copy thereof shall have been filed or recorded in the office of the legal examining officer or officers of the county, township, city, or district. Such certificate shall not be liable to be annulled except by the board of instruc-

¹ As amended by Act No. 105, Laws of 1863.

tion of the State normal school, but its effect may be suspended in any county, township, city, or district, and the holder thereof may be stricken from the list of qualified teachers in such county, township, city, or district, by the legal examining officer or officers of the said county, township, city, or district, for any cause and in the same manner that such examining officer or officers may be by law authorized to revoke certificates given by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending it.¹

Duration of
suspension.

CHAPTER XVII.

Act No. 231, Laws of 1879.

STATE CERTIFICATES TO TEACHERS AND EXAMINATION QUESTIONS.

(§165.) SECTION 1. *The People of the State of Michigan enact,* That the State board of education shall hold stated meetings at which they shall examine and may grant State certificates of qualification to such teachers as may upon a thorough and critical examination be found to possess eminent scholarship and professional ability, and shall furnish satisfactory evidence of good moral character. Said certificate shall be signed by the president and the secretary of the board and impressed with the seal thereof; and shall entitle the holder to teach in any of the schools of the State without further examination, and shall be valid for the term of ten years unless revoked by said board. Each applicant for examination shall, on making application, pay to the secretary of the board five dollars as an examination fee.

State board of
education may
grant certificates
to teachers.

Such certificates
to entitle holder
to teach in State
without further
examination for
ten years.

Examination fee.

(§166.) SEC. 2. Said board shall prepare questions suitable for the examination of teachers for the various grades of certificates provided by law to be given to teachers of the State, and the superintendent of public instruction shall furnish these questions to officers authorized by law to examine teachers.

Examination
questions to be
prepared and
furnished exam-
ining officers.

(§167.) SEC. 3. The members of said board shall be entitled to receive for their services while actually engaged in the duties of their office, as provided in sections one and two of this act, three dollars per day and necessary traveling expenses while so engaged, which amount shall be certified by the board to the board of State auditors, who shall draw a warrant therefor upon the State treasurer, who shall pay the same out of the general fund, which sum shall be reimbursed to the general fund by the secretary of the board paying into it that amount out of the money received by him as fees for certificates, and if there is any residue of money received as such fees, it shall be expended by the superintendent of public instruction, in the purchase of suitable books for an office library.

Compensation to
members of State
board of educa-
tion.

How paid.

Residue of
money arising
from examina-
tion fees, how
used.

¹ As amended by Act No. 2, Laws of 1871; and Act No. 62, Laws of 1881.

CHAPTER XVIII.

Act No. 117, Laws of 1855.

TEACHERS' ASSOCIATIONS.

Fifteen or more teachers may form corporation.

(§168.) SECTION 1. *The People of the State of Michigan enact,* Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the secretary of State a copy of the constitution and by-laws of said association.

Notice to be published.

Constitution, where filed.

May hold property.

Restrictions upon its use.

(§169.) SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Privileges and liabilities of corporations.

(§170.) SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the Revised Statutes of this State [Chap. 130, Compiled Laws of 1871], so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

CHAPTER XIX.

Act No. 131, Laws of 1875.

SAFE KEEPING OF PUBLIC MONEYS.

"Public moneys" defined.

(§171.) SECTION 1. *The People of the State of Michigan enact,* That all moneys which shall come into the hands of any officer of the State, or of any officer of any county, or of any township, school district, highway district, city, or village, or of any other municipal or public corporation within this State, pursuant to any provision of law authorizing such officer to receive the same, shall be denominated public moneys within the meaning of this act.

Public moneys to be kept separate from all other funds.

(§172.) SEC. 2. It shall be the duty of every officer charged with the receiving, keeping, or disbursing of public moneys to keep the same separate and apart from his own money, and he shall not commingle the same with his own money, nor with the money of any other person, firm, or corporation.

How used.

(§173.) SEC. 3. No such officer shall, under any pretext, use nor allow to be used, any such moneys for any purpose other than in accordance with the provisions of law; nor shall he use the same for his own private use, nor loan the same to any person, firm, or corporation without legal authority so to do.

(§174.) SEC. 4. In all cases where public moneys are authorized to be deposited in any bank, or to be loaned to any individual, firm, or corporation, for interest, the interest accruing upon such public moneys shall belong to and constitute a general fund of the State, county, or other public or municipal corporation, as the case may be.

Interest on public moneys to constitute a general fund.

(§175.) SEC. 5. In no case shall any such officer, directly or indirectly, receive any pecuniary or valuable consideration as an inducement for the deposit of any public moneys with any particular bank, person, firm or corporation.

Officers not to receive consideration for deposit of money with particular bank, etc.

(§176.) SEC. 6. The provisions of this act shall apply to all deputies of such officer or officers, and to all clerks, agents, and servants of such officer or officers.

Provisions of this act to apply to deputies, etc.

(§177.) SEC. 7. Any person guilty of a violation of any of the provisions of this act shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment in the discretion of the court: *Provided*, That nothing in this act contained shall prevent a prosecution under the general statute for embezzlement in cases where the facts warrant a prosecution under such general statute.

Penalty for violating provisions of this act.

Proviso.

(§178.) SEC. 8. Any officer who shall willfully or corruptly draw or issue any warrant, order, or certificate for the payment of money in excess of the amount authorized by law, or for a purpose not authorized by law, shall be deemed guilty of a misdemeanor, and may be punished as provided in the preceding section.

Penalty for illegal payment of money.

NOTE.

APPORTIONMENT OF SURPLUS DOG-TAX TO SCHOOL DISTRICTS.

Under the provisions of act number 198 of the session laws of 1877, as amended by act number 283 of the session laws of 1881, it is required that in all the townships and cities of the State there shall annually be levied and collected a tax of one dollar upon every male dog and of three dollars upon every female dog. The money thus obtained is to constitute a fund in the several townships and cities for the payment of damages sustained by owners of sheep by reason of having such sheep killed or wounded by dogs. Section six of the law referred to provides that "if money remains of such fund after satisfactory payment of all claims aforesaid in any one year over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age." The apportionment must be based upon the whole number of children of school age residing in the township, and include all dis-

tricts whether lying wholly or partly in such township. In case of a fractional district in which the school-house is situated in a different township, the money belonging to such district must be paid over to the treasurer of the township in which the school-house is situated, and by that treasurer paid to the district, in the same way as in the case of the one-mill and other taxes.

APPENDIX A.

DIGEST OF DECISIONS OF THE SUPREME COURT.

I.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

¶1. The statutory notice of meetings by inspectors must be given, stating the object of the meeting. And no business at a meeting inconsistent with the notice is lawful. *Passage v. School Inspectors of Williamstown*, 19 Mich., 330. (See ¶61, following.)

¶2. The township board of school inspectors have no power to dissolve a school district erected by special act of the legislature, and to set back the territory into the districts from which it was taken. *School District v. Dean*, 17 Mich., 223.

¶3. On the erection and organization of a new township, the inspectors of such township may sever its territory from the school district within which it was formerly embraced, and there is no general provision of law which charges the property within the new township with the obligation to pay any debts created for school purposes, which existed at the time of the erection of the new township. *School District No. 1 of Portage v. Ryan*, 19 Mich., 203. (See ¶82, following.)

II.

APPEALS FROM ACTION OF SCHOOL INSPECTORS.

¶4. Under the statute providing for appeals from the board of school inspectors to the township board, the approval of the appeal bond is essential to complete an appeal; and the fact that the bond was presented to the clerk of the board of inspectors, who refused to approve it because it was not witnessed, even though the objection be a frivolous one, made in bad faith and for vexation, will not render the bond sufficient without an approval, since, under the statute, it may be approved also by any justice of the township. *Clement v. Everest*, 29 Mich., 19.

¶5. The validity of the action of school inspectors in changing the boundaries of school districts is not affected by the fact that the inspectors were in-

interested parties as taxpayers and residents; the disabling doctrine has no application to those administrative acts which are public, and not with or between private parties. *Ibid.*

¶6. The regularity of the action of school inspectors in creating or changing school districts will not be inquired into in a collateral proceeding; their action is the exercise of a public discretionary power, which can only be reviewed, if at all, by some direct appellate process authorized by law and operating upon the proceedings themselves to affirm, reverse, or change them. *Ibid.*

¶7. Parties appealing under the statute from the action of school inspectors in arranging school districts, to the township board, thereby waive those questions which require judicial review and submit themselves to the discretion of that body; and a *certiorari* to the township board does not open for review the doings of the inspectors. *Brody v. Township Board of Penn.*, 32 Mich., 272.

¶8. It was never intended that a court should exercise any of these powers of discretionary administration; and when, on such an appeal, the township board acted within its jurisdiction, its discretion cannot be reviewed by the courts; and if it did not, and its acts were void, then under the statute the action of the inspectors, after ten days, is equally intact and beyond disturbance. *Ibid.*

¶9. Where, however, the township board, acting without authority, reverses the action of the inspectors, their doings may be overturned; but an order of the board affirming the action of the inspectors, whether properly or improperly, only leaves such action where it would have been without such interference. *Ibid.*

III.

TOWNSHIP BOARD.

¶10. An application to the township board to remove the moderator of a school district, on the ground that he persistently refuses to countersign an order drawn by the director of the district on the assessor, involves an inquiry, in which the payee named in the order is an interested party. *Stockwell v. Township Board of White Lake*, 22 Mich., 341.

¶11. A proceeding before the township board to remove an officer of a school district, is in the nature of a judicial investigation; and when one of the board is interested in the subject of the complaint, and the presence of such member is essential to the quorum, the proceedings are void. *Ibid.*

¶12. When either of the members of the township board is interested in the subject for consideration, he is not "competent or able to act," in the sense of the statute; and such incompetency will justify the calling in of one of the remaining justices. *Ibid.*

¶13. Every special tribunal appointed by law is subject to the maxim that no person can sit in any cause in which he is a party, or in which he is interested. *Ibid.*

¶14. The removal of a school district assessor by the township board is reviewable on *certiorari*. *Merrick v. Township Board*, 41 Mich., 630.

¶15. Costs awarded by the supreme court in a proceeding by *certiorari* against persons composing a township board, to review their official acts, are to be collected like township charges, and not by execution against the officers personally. *Stockwell v. Township Board of White Lake*, 22 Mich., 341. (See ¶84, following.)

IV.

ORGANIZATION OF SCHOOL DISTRICTS.

¶16. There should be some special and extraordinary reason to justify interference by *quo warranto* with the organization of a school district, as the statutes provide a speedier remedy by an appeal from the inspectors to the township board. *Lord v. Every*, 38 Mich., 405.

¶17. When a school district had enjoyed its franchises for five years, during most of which time proceedings to inquire into the validity of the organization had been pending by *quo warranto* and writ of error instead of the speedier statutory process of appeal, the supreme court declined to review its organization on technicalities. *Ibid.*

¶18. The legal organization of a school district actually exercising its corporate powers, cannot be collaterally questioned in contesting a title based on a school tax. *Stockle et al. v. Silsbee*, 41 Mich., 615.

¶19. A *certiorari* to review proceedings whereby a new school district has been created out of old districts, must be applied for before the district has been organized and assumed the functions of a corporation; after that time the proper course is, to take measures to try the legality of its corporate existence by *quo warranto*, or other direct proceedings against the alleged corporation or its officers. *Fractional School District No. 1 of Owosso, etc., v. School Inspectors of Owosso, etc.*, 27 Mich., 3.

¶20. *Certiorari* addressed to the assessor of a school district is wholly unsuited as a remedy to test the legal organization and existence of the district, as the errors, if any there are, lie back of any action of the assessor, and are to be found in the action of the township authorities. *Jaquith v. Hale*, 31 Mich., 430. (See ¶82 following.)

V.

DISTRICT MONEYS, WARRANTS, AND ORDERS.

¶21. An action for money had and received will lie in favor of a school district to recover district moneys received by its assessor, and which after expiration of his term of office he refuses on demand to pay over to his successor, and an action upon the assessor's bond is not the exclusive remedy; the bond is required as additional security, but it does not supersede the officer's individual responsibility. *Mason v. Fractional School District No. 1 of Scio and Webster*, 34 Mich., 228.

¶22. An assessor cannot lawfully withhold the district funds in his hands, when the same are properly demanded by his successor, a fortnight after the latter has been regularly elected and has accepted and qualified, upon any claim that he is entitled to be first personally notified officially of such election and acceptance; he is chargeable with notice of these facts without any personal certification thereof. *Ibid.*

¶23. An official treasurer cannot defend an action to make him turn over to his successor the funds in his official custody, upon any questions of the regularity of the proceedings whereby the funds came into his possession. *Ibid.*

¶24. The assessor of a school district is the lawful treasurer and depository of school district funds, and all moneys must pass through his hands and be paid out by him on proper orders. *School District No. 9 of Midland v. School District No. 5 of Midland*, 40 Mich., 551.

¶25. A showing of a want of funds is a complete answer to an application for *mandamus* to require an assessor of a school district to pay an order drawn on him in favor of a school teacher. *Allen v. Frink*, 32 Mich., 96.

¶26. It is not necessarily the duty of a moderator of a school district to countersign an order upon the assessor drawn by the director. He has a right to satisfy himself that the claim for which it was drawn is a valid one, and that it was drawn by the director in the proper performance of his duty. *Stockwell v. Township Board of White Lake*, 22 Mich., 341.

¶27. The disbursement of all school moneys is required by the statute to be made by orders drawn on the assessor by the director and countersigned by the moderator; and all moneys belonging to the district in the town treasurer's hands are required to be paid to the assessor on warrants drawn by the director and countersigned by the moderator. The assessor is made treasurer of the district, and required to hold all district moneys until properly drawn out by warrant. It is made the express duty of the director to draw and sign warrants upon the township treasurer, payable to the assessor, for all moneys raised for district purposes, or apportioned to the district by the township clerk, and present them to the moderator to be signed; and it is made the duty of the moderator to countersign such warrants. *Burns v. Bender*, 36 Mich., 195.

¶28. District moneys in the hands of the town treasurer are not subject to be applied to any district purpose except through the hands of the assessor. And the duty of suing to thus transfer them into the custody of the assessor, if qualified, is laid on the director; and the duty of procuring this transfer within some reasonable time is not discretionary, but absolute. The moderator is bound under ordinary circumstances to countersign all orders of the director for that purpose; and if he refuses in a proper case to do so, *mandamus* will lie to compel him. *Ibid.*

¶29. The statute making it the duty of the director to present the warrant to the moderator for signature, he may properly be a relator to obtain it by compulsion of law when refused. He is the proper custodian of the completed warrant, for the purpose of delivery to the assessor. *Ibid.*

¶30. The query is suggested, whether the assessor would not also be a competent relator. *Ibid.*

¶31. The town treasurer has no authority to make payments of district moneys, even to the assessor, except upon the warrant prescribed by statute; and no payment not authorized by warrant is a valid official payment, such as to preclude the district from holding him responsible for moneys lawfully in his hands. Payments made otherwise than in the prescribed mode are made in his own wrong, and cannot diminish the fund for which he is responsible. *Ibid.*

¶32. Respondent occupying the double position of moderator and town treasurer, is not thereby authorized to set up his previous illegal disbursements of the district moneys as treasurer as an excuse for not doing his duty as moderator; his double functions will not relieve him in one capacity from doing his duty in another. *Ibid.*

¶33. Warrants drawn by the officers of school districts upon the township treasurer for school moneys are not negotiable, and the treasurer is under no obligation to pay them except to the district assessor. *Fox v. Shipman*, 19 Mich., 218.

¶34. An order drawn upon the township treasurer by the director and countersigned by the moderator of a school district, payable to A, or bearer, is void upon its face. The director has no power to draw any order on the town-

ship treasurer for any money of the district in his hands, payable to any one but the district assessor, who is the disbursing officer of the district. *Fractional School District No. 4 of Macomb and Chesterfield v. Mallary*, 23 Mich., 111.

¶35. The statute expressly requiring the township treasurer to pay the amount of taxes raised for school purposes to the order of the school district officers, his liability therefor is distinct from his ordinary liability for township moneys, and cannot be released or in any way affected by the action of the township board. *Jones v. Wright*, 34 Mich., 371.

¶36. A township treasurer has no right to receive for school moneys anything which the law has not authorized to be so received, and if he chooses to do so and to receipt for the taxes, he must make good the amount. *Ibid.*

¶37. A town treasurer can pay school moneys only to the school district assessor, and then only on the warrant of the proper district officers. *School District No. 9 of Midland v. School District No. 5 of Midland*, 40 Mich., 551.

VI.

CONTRACTS WITH TEACHERS.

¶38. When a contract for hiring a teacher has been signed by the director of the school district and by the teacher, and the moderator writes upon it "approved," and subscribes it as moderator, such approval and signature will be treated as in legal effect a signature of the contract by such moderator. *Everett v. Fractional School District No. 2 of Cannon*, 30 Mich., 249.

¶39. The provision of the statute that the contract for hiring a school teacher shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, etc., imposes the duty upon the teacher of keeping such list, and this becomes in legal effect a part of his contract, whether the written contract expressly stipulates for it or not. *Ibid.*

¶40. The provision of the statute requiring the keeping of a list of pupils, etc., to be inserted in the contract is merely directory, and does not render invalid a contract from which such requirement has been omitted, provided it be good in other respects and entered into in good faith. *Ibid.*

¶41. A school district is a municipal corporation and cannot be garnished even by its own consent, unless the debtor also consents. *School District No. 4 of Marathon v. Gage*, 39 Mich., 484.

¶42. It is against public policy to allow the wages of persons in public employments to be reached by garnishment. *Ibid.*

¶43. School management should always conform to those decent usages which recognize the propriety of omitting to hold public exercises on recognized holidays; and it is not lawful to impose forfeitures or deductions for such proper suspension of labor. All contracts for teaching during periods mentioned must be construed of necessity as subject to such days of vacation, and there can be no penalty laid upon such observances, in the way of forfeitures or deductions of wages. *School District No. 4 of Marathon v. Gage*, 39 Mich., 484. [NOTE.—The legal holidays established by statute are New Year's day (January 1), Washington's birth-day (February 22), Decoration day (May 30), Independence day (July 4), Christmas day (December 25), and any day appointed by the president or governor as a day of fasting and prayer, or of general thanksgiving. Whenever a legal holiday falls on Sunday, the Monday next succeeding is to be observed instead. *Act No. 124, Laws of 1865, as amended by Act No. 163, Laws of 1875, and Act No. 208, Laws of 1881.*]

¶44. If a teacher is employed for a definite time, and, during the period of his employment, the district officers close the schools on account of the prevalence of contagious diseases, and keep them closed for a time, and the teacher continues ready to perform his contract, he is entitled to full wages during such period. The act of God is not an excuse for non-performance of a contract unless it renders performance impossible; if it merely makes it difficult and inexpedient, it is not sufficient. Although under such circumstances it is eminently prudent to dismiss school, yet this affords no reason why the misfortune of the district should be visited upon the teacher. *Dewey v. Union School District of Alpena*, 43 Mich., 480.

¶45. The statute empowers the board of trustees of a graded school district to employ all teachers necessary, and what teachers are necessary is left to be decided by the sound discretion of the trustees. The making of a contract with a teacher is within the authority of a board of trustees, and, when made, neither the trustees nor the voters at an annual meeting have power to impair its obligation. *Tappan v. School District No. 1 of Carrollton*.

VII.

LIABILITIES OF DISTRICTS.

¶46. The director of a school district is not legally entitled to compensation from the district for his services. *Hinman v. School District No. 1*, 4 Mich., 168. [NOTE.—The law is since changed so as to authorize compensation to be voted by the district. *General School Laws of 1881*, § 27, p. 19.]

¶47. Where two districts are united under the statute, the new district is alone liable for all the former debts of each; and a judgment afterwards rendered against one of the former districts is a nullity. *Brewer v. Palmer*, 13 Mich., 104.

¶48. Charts or cards containing the multiplication table, practical forms of business contracts, and also brief mention of prominent historical events, and designed for use in school-rooms, are held not to be necessary appendages for the school-house, within the meaning of the statute, such as the director is required to provide. *Gibson v. School District No. 5 of Vevay*, 36 Mich., 404.

¶49. There was no such necessity for the purchase of these charts as would bring the case within the principles of *School District v. Snell*, (See ¶52), 24 Mich., 350. *Ibid*.

¶50. The purchase of these charts by the director, without instruction from the district board, being unauthorized and void as to the district, his retention of them, and occasionally placing them in the school-house, could not operate as a ratification by the district of his unauthorized purchase. *Ibid*.

¶51. Orders due from one district to another are not enforceable by *mandamus* at the suit of one to whom they have been assigned. *Maltz v. Board of Education*, 41 Mich., 547.

¶52. Where the officers of a school district purchased for the district a set of bound books and some banks, suitable for the purposes of the district, at their fair value, and while the district was not properly supplied with such materials, in the absence of any showing that the discretion of such officers was abused or exceeded, the district is liable. *School District No. 4 of Easton v. Snell*, 24 Mich., 350.

¶53. One school district that has wrongfully received money belonging to another cannot, in an action by the latter to recover it, require any strict proof

of the regularity of the proceedings authorizing it to be collected. *School District No. 9 of Midland v. School District No. 5 of Midland*, 40 Mich., 551.

¶54. Where a school-district is parceled out among three other existing districts; the latter cannot be held jointly liable for a debt of the former district; whatever they are bound to pay must be a several, and not a joint obligation. *Halbert v. School Dists., etc.*, 36 Mich., 421.

¶55. The statute having confided the management of suits brought against a school district to the assessor when no other direction has been given by the voters in district meeting, the moderator and director, though constituting a majority of the district board, have no authority to take the defense of a suit from the assessor; the control of suits is not among the powers or duties confided by the statutes to the district board. *School District No. 4 of Rush v. Wing*, 30 Mich., 351.

¶56. The suggestion that the action of the assessor in this case was such as to be evidence of an adverse interest is disregarded; such a suggestion might be made in any case where the assessor had refused to yield his legal authority to another. *Ibid.*

¶57. A judgment for costs against the district on the dismissal of an appeal taken in the name of the district by the director, without the authority or assent of the assessor, on the ground that the district had not appealed is held to be erroneous. *Ibid.*

¶58. Costs are not awarded against the school district in this court, on a writ of error brought without authority of the assessor, to review such dismissal. *Ibid.*

VIII.

TUITION OF NON-RESIDENT PUPILS.

¶59. Before any action can be maintained under the statutes, for the tuition of non-resident pupils, the district board must first fix and determine the rate of tuition of such pupils; and this should be by resolution of the board, properly recorded by the director in the records of the district; and the fact that such action has been taken, cannot be shown by parol, if objected to. *Thompson v. School District No. 6 of Crockery*, 25 Mich., 483.

IX.

ADMISSION OF COLORED CHILDREN TO SCHOOL.

¶60. The amendment to the primary school law of 1867—Laws of 1867, vol. 1, p. 42 [*General School Laws of 1881*, § 45, p. 19.],—giving equal rights in the schools to all residents, is applicable to the city of Detroit, and precludes the board of education of that city from excluding a child from any public school on the ground of color. *People v. Board of Education*, 18 Mich., 400.

X.

SCHOOL SITES AND SCHOOL-HOUSES.

¶61. Notice of a meeting of the board of school inspectors to change a school-house site is necessary. *Andress v. School Inspectors of Williamstown*, 19 Mich., 332. (See ¶1 preceding.)

¶62. The board of inspectors have no power to change a school-house site on

a written request of a majority of qualified voters of the district except in cases where the site has been fixed by them because the inhabitants were unable to agree upon a site. *Ibid.*

¶63. The jurisdiction to condemn lands for a school-house site is invoked by presenting to the proper officer a petition designating the site and showing disagreement with the owner as to compensation for it. *Smith v. School District No. 2 of Millon*, 40 Mich., 143.

¶64. In proceedings to condemn land for a school-house site, the circuit judge is not required to act in preference to a circuit court commissioner. *Ibid.*

¶65. When the owner of land that is sought for a school-house site is represented at the proceedings to condemn it, he is deemed to waive objection to jurors if he does not challenge them at the time. *Ibid.*

¶66. When the petition, notice, *venire*, finding and commissioner's certificate in proceedings to condemn land for a school-house site are regular on their face, and show full compliance with statutory requirements, the proceedings are presumed regular, and if the parties interested were represented, and omit, on filing the proceedings, to make a sworn showing to the circuit court of any other defects,—such as an omission to designate the site to the jury,—they cannot rely on it thereafter. *Ibid.*

¶67. A school district contracting for the building of a school-house within a stated time, is bound to furnish a suitable site therefor within such reasonable time that the constructors shall not be delayed on their part. *Todd et al. v. School District No. 1 of Greenwood*, 40 Mich., 294.

¶68. Under a contract for the construction of a school building, which provides that the work shall be “executed in the best and most workman-like manner, and agreeably to such directions as may be given from time to time” by the architect or his assistant [the local superintendent of the work, employed by the district], “and to his full and entire satisfaction, without reference thereon to any other person;” that all claims for alterations or extras were to be judged of, determined, and adjusted “solely by the superintendent,” and that payment should be made on the certificate of the architect, or superintendent, partly on monthly estimates, from time to time, and the balance on completion of the building; whatever passed under the inspection of the superintendent as the work progressed, and was in good faith approved by him, expressly or by implication, was not open to objection on the part of the district afterwards; and the certificate of the architect was not a condition precedent to the right of the contractor to recover for the work so approved. *Willey v. Fractional School District No. 1 of Paw Paw and Antwerp*. 25 Mich., 419.

¶69. Variances from such a contract which have been treated at the time as immaterial by both parties will not afterwards be held to be departures from the contract; and what was regarded at the time as substantial compliance with its terms, constitutes a performance in law. *Ibid.*

¶70. Intentional departures from such contract, made without the consent, express or implied, of the district officers, architect, or superintendent, and in disregard of their directions, would not bar a recovery for other portions of the work which were duly approved; but the district would have a right to insist on the proper changes in the work to make it conform to the contract, and to recover any damages sustained by the failure. *Ibid.*

¶71. The mere fact of taking possession and occupying the building by the district for their schools, after the time when, by the contract, it was to be

completed, would not, of itself, constitute an acceptance which should bar any claim on the part of the district to insist upon a rectification of any faults, or the payment of any damages they may have suffered by the failure in strict compliance; but the fact of making payments afterward without objection, the manner of taking possession, and whether with or without objection to any variation, would have an important bearing on the question of fact, whether any rights were intentionally waived, or whether there was a purpose to accept the building as completed in substantial compliance with the contract. *Ibid.*

XI.

GRADED AND HIGH SCHOOLS.

¶72. The right of school authorities in union school districts of this State to levy taxes upon the general public for the support of high schools, and by such taxation to make free the instruction of children in other languages than the English, is sustained. *Stuart v. School District No. 1 of Kalamazoo*, 30 Mich., 69.

¶73. A school district which has assumed to possess and exercise all the rights and franchises of a regularly organized corporation for thirteen years, with entire acquiescence of everybody, is not liable to have the regularity of its organization, or of the legislation under which it acted, called in question thereafter in a merely private and collateral suit. *Ibid.*

¶74. Whether or not the statute of limitations applies in terms to a case where it is not so much the organization of the school district that is questioned as its authority to establish a high school and levy taxes therefor, it is strictly applicable in principle. *Ibid.*

¶75. The organization claimed and asserted by the district being that of a union school district, the presumption of organization arising from its user of corporate powers must be that of such an organization as its user indicates, and whether or not an acquiescence for the statutory period of two years will raise the presumption of regular organization, one of thirteen years certainly will. *Ibid.*

¶76. The State policy of Michigan on the subject of education, and of the territory before the State was organized, beginning in 1817 and continuing down until after the adoption of the present constitution, having been reviewed and considered, the conclusion is reached that there is nothing in our State policy, or in our constitution, or in our laws, restricting the primary school districts of the State in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if the voters of the district consent in regular form to bear the expense and raise the taxes for the purpose, or to prevent instruction in the classics and living modern languages in these schools. *Ibid.*

¶77. The power to make the appointment of a superintendent of schools in a union school district is one that is incident to the full control which by law the district board has over the schools of the district. *Ibid.*

¶78. The decree below, dismissing the bill filed in this case to restrain the collection of such portion of the school taxes assessed against the complainants for the year 1872 as have been voted for the support of the high school in the village of Kalamazoo and for the payment of the salary of the superintendent, is affirmed. *Ibid.* (See ¶82 following.)

XII.

LIBRARY MONEYS.

¶79. The treasurer of the board of school inspectors, and not the township treasurer, is the proper custodian of the township library money; and the latter officer, on proper demand, is bound to pay it over to the former, and is not entitled to withhold it until it is drawn by the inspectors as needed for specific appropriations; and *mandamus* will lie to enforce the performance of this duty. *McPharlin v. Mahoney*, 30 Mich., 100.

¶80. It is a sufficient ground for an application for *mandamus* to enforce such payment, that the township treasurer, when an order was properly drawn on him by the inspectors for such money, but for an amount slightly in excess of the money in his hands, refused to pay over what he had, not upon the ground that the order was too large a sum, but upon the distinct assertion that he was himself the proper custodian of the funds, and was not bound to pay them over except as they were required by the inspectors for specific purposes. *Ibid.*

¶81. Under the constitution and statutes, all moneys which are paid into the office of the county treasurer, on account of fines, penalties, forfeitures and recognizances, are to be credited to the library fund, and apportioned and paid over by the treasurer to the proper local officers, without any deduction for expenses, either attending the collection of the particular sums paid in, or embracing the general criminal expenses of the county. *Board of Education of Detroit v. Treasurer of Wayne County*, 8 Mich., 392.

XIII.

MISCELLANEOUS.

¶82. There is no authority by which unorganized territory can be attached to a graded school district. The only way of dealing with unorganized territory is by organizing it into primary school districts. *Simkins v. Ward*.

¶83. Statements contained in an affidavit presented to an officer authorized by law to examine and license teachers, for the purpose of preventing a teacher's license being granted to a particular person, charging such person with improper conduct, are privileged and not actionable, unless untrue and maliciously made. *Weiman, jr., v. Mabie et al.*

¶84. Failure of a school director, without sufficient cause, to keep the school-house in repair, may be ground for removal from office. Where there is evidence before the township board upon which they have removed a school director, their decision on matters of fact will not be reviewed. Where one of the questions before a town board was the validity of a teacher's contract, and one of the members of the board had a niece who was employed under a similar contract, *held*, that he was not by reason thereof disqualified to sit. *Township Board of Hamtramck v. Holihan*.

APPENDIX B.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAWS.

NOTE.—The following blank forms do not comprise a full set for all purposes under the school laws. All furnished by the Superintendent of Public Instruction, together with such as may be required in proceedings where the services of attorneys are usually employed, and a few for which those published may be readily adapted, are omitted. Officers are advised when performing any duty to which these forms are applicable, to use them in preference to others, as by this means uniformity of administration is secured, many mistakes will be prevented, and in time that which may now seem complicated and obscure will be more generally understood.

FORM NO. I.

Notice by the Clerk of the Board of Inspectors to a Taxable Inhabitant of a District at the Time of its Formation.

[See Compiler's Sections 9 and 10.]

To A..... B.....:

SIR—The board of school inspectors of the township of have formed a school district in said township, to be known as district No....., and bounded as follows: [Here insert the description.]

The first meeting of said district will be held at on the day of, 18...., at o'clock M., and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally, or by leaving a written notice at his place of residence. You will endorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this day of, 18....

(Signed),

C..... D.....,

Clerk of the Board of School Inspectors.

FORM NO. 2.

Notice of First Meeting—when made in writing to be left at the house of every legal voter.

[See Compiler's Sections 9, 10, and 24.]

To C..... D.....:

SIR—School district No....., of the township of, having been formed by

the board of school inspectors, you, as a legal voter in said district, are hereby notified that the first meeting thereof will be held at, on the day of, 18.., at o'clock M.

Dated this day of, 18...

(Signed,)

A..... B.....

[The person appointed to give notice.]

FORM NO. 3.

Endorsement upon the Notice (Form No. 1) by Taxable Inhabitant.

[See Compiler's Sections 9, 10, 24, and 133.]

I, A.... B....., hereby return the within (or annexed) notice, having notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A..... B.....	January 1, 1882.....	Personally.
C..... D.....	" 1, 1882.....	Written Notice.
E..... F.....	" 2, 1882.....	Personally.
.....
.....

Dated this day of, 18....

(Signed)

A..... B.....

FORM NO. 4.

Notice by Township Clerk to Director, of Alteration in District.

[See Compiler's Section 18.]

To the Director of School District No....., Township of.....:

SIR,—At a meeting of the board of school inspectors of the township of....., held....., 18.., the boundaries of school district No....., township of....., were altered in such manner that the territory of said district now includes the following: [Here insert the description.]

Dated this day of, 18....

(Signed,)

C..... D.....,

Clerk of the Board of School Inspectors.

FORM NO. 5.

Acceptance of Office by District Officers, to be filed with the Director.

[See Compiler's Sections 32, 108, and 139.]

I do hereby accept the office of..... in school district No....., of the township of.....

Dated this day of, 18....

(Signed,)

A..... B.....

FORM NO. 6.

Assessor's Bond.

[See Compiler's Section 52.]

KNOW ALL MEN BY THESE PRESENTS: That we, A..... B....., assessor of school district No....., township of, county of, and State of Michigan, C..... D..... and E..... F..... [his sureties], are held firmly bound unto said district in the sum of [here insert double the amount expected to come into the assessor's hands], to be paid to the said district; for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of the above obligation is such that if the said assessor as aforesaid, shall faithfully discharge the duties of his office as assessor of said school district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as assessor of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as assessor aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Sealed with our seals, and dated this day of, 18...

A..... B....., [L. S.]
C..... D....., [L. S.]
E..... F....., [L. S.]

Signed, sealed, and delivered in presence of

.....
.....

We approve the within bond.

(Signed,)

G..... H....., *Moderator.*
J..... K....., *Director.*

FORM NO. 7.

Notice of Annual Meeting.

[See Compiler's Sections 21, 23 and 48.]

NOTICE.—The annual meeting of school district No....., of the township of for the election of school district officers, and for the transaction of such other business as may lawfully come before it, will be held at, on Monday, the day of September, 18.., at o'clock .. M.

Dated this day of August, 18....

(Signed,)

A..... B....., *Director.*

FORM NO. 8.

Request to be made by five Legal Voters of a District to the District Board for a Special Meeting.

[See Compiler's Section 22.]

To the District Board of School District No. (or to A..... B..... one of the District Board):

The undersigned, legal voters of school district No., of the township of.....

FORMS FOR PROCEEDINGS.

....., request you, in pursuance of section 15 of chapter II. of the general school laws of 1881, to call a special meeting of said district, for the purpose of.....

Dated this day of, 18....

(Signed,)

C D.....
E F.....
G H.....
I K.....
L M.....

FORM NO. 9.

Notice of Special Meeting.

[See Compiler's Sections 22 and 23.]

NOTICE.—A *special meeting* of the legal voters of school district No....., in the township of....., called on the written request of five legal voters [or called by the district board, as the case may be], will be held at....., on the..... day of....., 18...., at..... o'clock..... M., for the purpose of [here insert *every object* that is to be brought before the meeting].

(Signed,)

A..... B....., *Director*.

FORM NO. 10.

Order upon Assessor for Moneys to be disbursed by him, with Receipt attached.

[See Compiler's Sections 48 and 52.]

Assessor of School District No....., Township of.....:

SIR,—Pay to..... the sum of..... $\frac{\quad}{100}$ dollars out of any moneys in your hands belonging to the [here insert name of fund on which order is drawn, as "teachers' wages," "building," etc.] fund, on account of [here state the object for which the order is drawn].

Dated this..... day of....., 18....

A..... B....., *Director*.

[Countersigned:]

C..... D....., *Moderator*.

Received of E..... F....., assessor of school district No....., the amount specified in the above order.

G..... H.....

FORM NO. 11.

Warrant upon Township Treasurer for Moneys belonging to School District.

[See Compiler's Sections 48, 52, and 72.]

Treasurer of the Township of.....:

SIR,—Pay to A..... B....., assessor of school district No....., in said

township, the sum of dollars, out of [here insert the particular fund], in your hands belonging to said district.

Dated at, this day of 18...

C..... D..... A....., *Director*.

[Countersigned:]

E..... F....., *Moderator*.

FORM No. 12.

Certificate by District Board to Township Clerk, of District Taxes to be Assessed.

[See Compiler's Section 37.]

Clerk of the Township of.....

The undersigned, district board of school district No....., township of..... do hereby certify that the following taxes have been voted by the qualified electors of said district, during the school year last closed, and estimated and voted by the district board, under the provisions of law, viz.:

For teachers' wages.....	\$.....	
For building purposes.....		
For repairs.....		
For paying bonded indebtedness.....		
For fuel.....		
For library.....		
For apparatus.....		
For incidental expenses.....		
For.....		
Total.....	\$.....	

Which amounts you will report to the supervisor to be assessed upon the taxable property of said district in accordance with the provisions of law.

Dated at, this day of 18..

A..... B....., *Moderator*.

C..... D....., *Director*.

E..... F....., *Assessor*.

FORM No. 13.

Bond to be Given by the Chairman of the Board of School Inspectors.

[See Compiler's Section 54.]

KNOW ALL MEN BY THESE PRESENTS: That we, A..... B....., the chairman of the board of school inspectors of the township of, county of, and State of Michigan, and C..... D..... and E..... F..... [his sureties] are held and firmly bound unto the said township, in the sum of [here insert the sum of double the amount to come into said chairman's hands, as nearly as the same can be ascertained], for the payment of which sum well and truly to be made to the said

township, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if A..... B....., chairman of the board of school inspectors, shall faithfully appropriate all moneys that may come into his hands by virtue of his office, then this obligation shall be void; otherwise, of full force and virtue.

Sealed with our seals, and dated this day of, 18...

A..... B....., [L. S.]

C..... D....., [L. S.]

E..... F....., [L. S.]

Signed, sealed and delivered in the presence of

.....

.....

I approve the within bond.

(Signed,)

G..... H....., *Township Clerk.*

FORM NO. 14.

Appointment of District Officers by District Board.

[See Compiler's Sections 30 and 108.]

The undersigned, members of the district board of school district No., township of, do hereby appoint A..... B..... [director, moderator, or assessor, as the case may be] of said district, to fill the vacancy created by the [removal, resignation, or death, etc.] of C..... D....., the late incumbent.

Dated this day of, 18....

E..... F....., *Moderator.*

G..... H....., *Assessor.*

FORM NO. 15.

Appointment of District Officers by School Inspectors.

[See Compiler's Sections 30 and 108.]

The undersigned, school inspectors for the township of, do hereby appoint A..... B....., [director, moderator, or assessor, as the case may be] of school district No., in said township; the district having failed to elect.

Dated this day of, 18....

C..... D.....,

E..... F.....,

G..... H.....,

Board of School Inspectors.

FORM NO. 16.

Notice of Meeting of Inspectors.

[See Compiler's Section 15.]

NOTICE.—A meeting of the board of school inspectors of the township of, will be held at, on the day of, 18..., at o'clock M., for the purpose of [here insert every object that is to be brought be..

fore the meeting, and if for the purpose of changing boundaries of districts, state the alterations proposed.]

Dated this day of, 18....

A..... B.....
Clerk of the Board of School Inspectors.

FORM NO. 17.

Certificate to be given to the Director of a School District, by the Board of School Inspectors when they establish a Site.

[See Compiler's Section 89.]

The inhabitants of school district No., township of, having failed, at a legal meeting, to establish a site for a school-house, the board of school inspectors hereby certify that they have determined that the said site shall be as follows [here insert description.]

Given under our hands this day of, 18....

A..... B.....
C..... D.....
E..... F.....
Board of School Inspectors.

FORM NO. 18.

Warrant on the Township Treasurer for Library Moneys.

[See Compiler's Section 113.]

To the Treasurer of the Township of, County of

SIR,—Pay to, chairman of the board of school inspectors, the sum of
100 dollars, from the library moneys in your hands, or to come into your hands, the same being for the support of the library of said township.

Dated at, this day of, 18....

A..... B.....
C..... D.....
E..... F.....

Township Board of School Inspectors.

REMARK.—In case one or more district libraries are established in a township the library moneys due such districts are payable on the order of the district officers. (See Form No. 11.)

FORM NO. 19.

Notice by the Township Treasurer to the Township Clerk of Moneys to be Apportioned to Districts.

[See Compiler's Sections 72 and 73.]

To the Clerk of the Township of, County of

SIR,—I have now in my hands for apportionment to the several school districts of this township the following moneys:

Primary school interest fund..... \$.....
Library moneys received from county treasurer.....
One mill tax.....
Surplus dog-tax.....

party of the first part, have hereunto set their hands and seals, this day of, 18....

A..... B....., [SEAL.]
C..... D....., [SEAL.]

Signed, sealed, and delivered in presence of

E..... F.....,
G..... H.....

STATE OF } ss.
County of

On this day of in the year one thousand eight hundred and, before me I..... K..... a, in and for said county, personally appeared,, and, his wife, to me known to be the same persons described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

Witness my hand and official seal, the day and year last above named.

I..... K..... [SEAL]
.....

FORM NO. 24.

Lease to School District.

[See Compiler's Section 35.]

KNOW ALL MEN BY THESE PRESENTS: That A..... B....., of the township of, county of, and State of, of the first part, for the consideration herein mentioned, does hereby lease unto school district No., in the township of, county of, and State of Michigan, party of the second part, and their assigns, the following parcel of land, to wit: [Here insert description], with all the privileges and appurtenances thereunto belonging; to have and to hold the same for and during the term of years from the day of, 18.... And the said party of the second part, for themselves and their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this day of, 18....

A..... B....., [SEAL.]

Lessor.

C..... D....., }
E..... F....., } [SEAL.]
G..... H....., }

District Board of School District No. of the aforesaid Township.

Signed and sealed in the presence of

I..... K.....,
L..... M.....

FORM NO. 25.

Contract for Building a School-House.

[See Compiler's Section 35.]

Contract made and entered into between A..... B....., of the township of, in the county of, and State of Michigan, and C..... D....., E..... F....., and G..... H....., composing the district board of school district No., of the township of, in the county of, and State of Michigan, and their successors in office.

In consideration of the sum of one dollar in hand paid, the receipt whereof is hereby acknowledged, and of the further sum of dollars, to be paid as herein-

after specified, the said A..... B..... hereby agrees to build a school-house, and to furnish the material therefor, according to the plan and specifications for the erection of said house, hereto appended, at such point in said district as said district board may designate. The said house is to be built of the best material, in a substantial, workman-like manner ; and is to be completed and delivered to the said district board or their successors in office, free from any lien for work done or material furnished, by the day of, 18.. And in case the said house is not finished by the time herein specified, the said A..... B..... shall forfeit and pay to the said district board or their successors in office, for the use of said district, the sum of dollars, and shall also be liable for all damages that may result to said district in consequence of said failure.

The said district board or their successors in office, in behalf of said district, hereby agree to pay the said A..... B..... the sum of dollars when the foundation of said house is finished ; and the further sum of dollars when the walls are up and ready for the roof ; and the remaining sum of dollars when the said house is finished and delivered as herein stipulated.

It is further agreed that this contract shall not be sub-let, transferred or assigned without the consent of both parties.

Witness our hands this day of, 18..

A..... B.....
Contractor.
C..... D.....
E..... F.....
G..... H.....
District Board.

[FORM No. 26.]

Contract between District Board and Teacher.

[See Compiler's Sections 33, 40, 56, 109, and 128.]

It is hereby contracted and agreed between the district board of school district No., in the township of....., county of....., and State of Michigan, and A..... B....., a legally qualified teacher in said township, that the said A..... B....., shall teach the school of said district for the term of..... months, commencing on the..... day of....., 18..: and the said A..... B..... agrees faithfully to keep a correct list of the pupils, and the age of each attending school, and the number of days each pupil is present, and to furnish the director of the district with a correct copy of the same at the close of the school; and to observe and enforce the rules and regulations established by the district board.

The said district board, in behalf of said district, agrees to keep the school-house in good repair, to provide the necessary fuel, to keep the school-house in comfortable condition, and to pay said A..... B..... for the said services as teacher, to be faithfully and truly rendered and performed, the sum of..... dollars per month, the same being the amount of wages above agreed upon, to be paid on or before the..... day of....., 18..: *Provided*, That in case said A..... B..... shall be dismissed from school, by the district board, for gross immorality, or violation of this contract, or shall permit his..... certificate of qualification to expire, or shall have said certificate annulled or suspended by the county board of school examiners, or other lawful authority, he..... shall not be entitled to any compensation from and after such annulment, suspension, or dismissal.

In witness whereof, we have hereunto subscribed our names, this..... day of, 18..

C..... D.....
E..... F.....
G..... H.....
A..... B..... } District Board.
Teacher.

[FORM No. 27.]

Teacher's General Register.

[See Compiler's Section 40.]

REGISTER of the School taught in District No., of the Township of, in the County of, and State of Michigan, for the Term commencing on the day of, 18...., and ending on the day of, 18....

PUPILS.			ATTENDANCE IN DAYS FOR WEEK COMMENCING										STUDIES PURSUED BY EACH SCHOLAR.												
No.	NAME.	Age.	January 6.	January 13.	January 20.	January 27.	February 3.	February 10.										Orthography.	Reading.	Writing.	Arithmetic.	Geography.	Grammar.	U. S. History.	Civil Govern-ment.
1	A..... B.....	7	5	3	4	5	2	4										*	*	*	*	*	*	*	*
2	C..... D.....	14	4		5	1	3	5										*	*	*	*	*	*	*	*
3	E..... F.....	10	3	4	4	3	5	4										*	*	*	*	*	*	*	*

I hereby certify that the above is a faithful and correct register of said school.

A..... B....., *Teacher.*

NOTE.—The above register, properly certified by the teacher, should be filed with the Director of the District immediately after the close of the school. Each column under the head of "Attendance in Days" is designed to embrace the number of days *present* each week, and the sum of days *present* during the term given in the twentieth column to the right.

The words "for weeks commencing" (in the above form) refer to "January 6" in the left hand column under the head of "Attendance in days," etc. The star, thus *, denotes the studies pursued by each pupil. To ascertain the average number of days scholars attend school, add together the numbers of days of attendance of all the pupils (as found in 20th column) and divide this sum by the number of pupils who have attended school.

The teacher should make out this *average* and indicate it upon the register for the convenience of the Director.

APPENDIX C.

RULES FOR SCHOOL LIBRARIES.

NOTE.—The following regulations for the management of school libraries are prepared in accordance with the provisions of compiler's sections 3 and 114 of the general school laws. As given, these rules are suitable for township libraries; if it be desired to adapt them to the needs of district libraries, a few slight changes, which are readily apparent, will be necessary.

1. The librarian shall have charge of the library, and keep a catalogue of all the books belonging to the library, in a book to be provided for that purpose.

2. Every volume in the library shall have pasted on the inside of the cover a printed label, giving the name of the township; the number of the volume; and the fine for not returning it within the specified time, and for the loss of or injury to any book.

3. Every volume loaned shall be entered by the librarian in a book to be provided for that purpose, by its catalogue number, with the day on which it was loaned, the name of the borrower, and the name of the person to whom it is charged (see regulation 5), the date when returned and condition of the book, and the fine assessed for detention or injury done to the book, as in the following form:

Date of Delivery.	No. of book Delivered.	To whom Delivered.	To whom Charged.	When Returned.	Condition when Returned.	Fine for Detention.	Fine for Injury.
_____	_____	_____	_____	_____	_____	_____	_____
-----	-----	-----	-----	-----	-----	-----	-----

4. No person shall be allowed to have more than one volume at a time, or to retain the same longer than two weeks; nor shall any person who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

5. Books may be loaned to minors and charged to their parents, guardians, or other persons with whom they reside, who shall be responsible for the books under these regulations.

6. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets, papers, cases and all other property belonging to the library which was in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving

the library property, the librarian shall carefully examine all books and other property appertaining to the library, and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed but not certified by him to the treasurer of the board of school inspectors, the librarian shall certify the amount thereof to said treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

7. In case of vacancy in the office of librarian, the township clerk shall perform the duties of librarian until the vacancy is filled.

8. If any person, having held the office of librarian, shall neglect or refuse to deliver to his successor all the library property, as prescribed in the sixth regulation, the treasurer of the board of school inspectors shall forthwith commence an action in the name of the township for the recovery of the property he shall so neglect or refuse to deliver.

9. On the return of every book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of the fine accordingly.

10. The following fines shall be assessed by the librarian as herein provided:

First, For detaining a book beyond two weeks, five cents per week;

Second, For the loss of a volume, the cost of the book, and if one of a set an amount sufficient to purchase a new set;

Third, For a leaf of the text torn out or lost, or so soiled as to render it illegible, the cost of the book; and if one of a set the cost of a new set;

Fourth, For any injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian, subject to revision, upon appeal, by the board of school inspectors;

Fifth, Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it shall be charged with its cost in addition to the weekly fine for detention, up to the time such charge is made. But if the book be finally returned, the charge for loss shall be remitted; and the fine for not returning the book shall be levied up to the time of such return: *Provided*, That in no case shall the amount of weekly fines exceed double the cost of the book.

11. On the third Monday of August, November, February, and May, and also immediately before he vacates his office, the librarian shall report to the treasurer of the board of school inspectors the name of every person liable for fines, and the amount each of such persons is liable to pay; and said treasurer shall immediately proceed to collect the same, and if not paid, he shall forthwith bring an action in the name of the township for the recovery thereof.

12. The library fines collected shall first be applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

13. On the first Monday of September in each year, the librarian shall report to the township board of school inspectors as follows:

First, The number of volumes in the library;

Second, The number of volumes purchased during the year;

Third, The number of volumes presented during the year;

Fourth, The number of volumes loaned during the year [counting each volume once for each time it is loaned];

Fifth, The amount of fines assessed;

Sixth, Such other items as the board of school inspectors may require for their annual report to the superintendent of public instruction.

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Michigan 10-10-1883

N. B.—Several copies of this pamphlet are sent to each township and district school board, one being intended for each officer. Please deliver accordingly.

AMENDMENTS TO THE SCHOOL LAWS.

INTRODUCTORY NOTE.

The Legislature of 1883 made several amendments to the General School Laws of 1881, besides enacting a new law relative to the compulsory attendance of children at school. These laws are given in the following pages, as it is desirable that all school officers should understand them. Please fasten this pamphlet inside your copy of the General School Laws of 1881, so that it may be preserved for convenient reference. To guard against any oversight that might otherwise occur, it is suggested that the sections of the General School Laws of 1881 that are amended by these enactments, be so marked as to direct reference to the amendments herein contained.

HERSCHEL R. GASS,
Superintendent of Public Instruction.

CHAPTER II, SEC. 8.

(§ 15), Page 11. Amended by Act No. 82. Given immediate effect.

SEC. 8. Whenever the board of school inspectors shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, clerks of the several townships interested) shall give at least ten days' notice of the time and place of the meeting of the inspectors, and the alterations proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration. Whenever the board of school inspectors of more than one township meet, they shall elect one of their number chairman, and another clerk thereof.

CHAPTER III, SEC. 15.

(§ 42), Page 18. Amended by Act No. 93. Takes effect Sept. 7, 1883.

SEC. 15. The district board shall specify the studies to be pursued in the schools of the district: *Provided always*, That provision shall be made for instructing all pupils in every school in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics generally, upon the human system: *Provided further*, That the text-books used in giving the

foregoing instruction shall have received the joint approval of the State Board of Education and State Board of Health. The said district board shall prescribe the the text-books to be used, which shall be uniform in each subject that may be taught, but text-books once adopted under the provisions of this act shall not be changed within five years except by the consent of a majority of the qualified voters of the district present at an annual meeting. Each school board making a selection of text-books under this act shall make a record thereof in their proceedings.

CHAPTER IV, SEC. 1.

(§ 53), Page 22. Amended by Act No. 9. Takes effect Sept. 7, 1883.

SECTION 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors (who shall elect one of their number chairman), and the township clerk shall be the clerk thereof.

CHAPTER IX, SECS. 1 AND 2.

(§§ 104 and 105), Pages 33 and 34. Amended by Act No. 82. Given immediate effect.

SECTION 1. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division, or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board of the township in which such school district is situated, and in case of fractional school districts notice of such appeal shall be served on the clerk of the joint boards of school inspectors who have made the decision appealed from, who shall, within five days, give notice thereof to the township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be, acting jointly, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or if in their opinion the appeal is frivolous or without sufficient cause, they may summarily dismiss the same.

SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school districts to the clerk of the joint boards of school inspectors, a written statement, to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township or townships, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties to be approved by the clerk of said board or joint boards of school inspectors or by any justice of the peace of the township, and filed with the clerk of said board or joint boards of school inspectors, a bond to the people of the State of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards acting jointly, and also, in case of the dismissal of said appeal as frivo-

lous by said township board or joint boards, for the payment by said appellants of all costs occasioned to the township or townships by reason of said appeal.

CHAPTER X, SEC. 1.

(§ 107), Page 35. Amended by Act No. 28. Given immediate effect.

SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years may, by a two-thirds vote of the qualified electors present at any annual or special meeting, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of a district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district, one trustee for the term of one year, two for the term of two years, and two for a term of three years; and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: *Provided, also*, In all districts organized prior to the year eighteen hundred and eighty-three there shall be one trustee elected at the annual meeting for the year eighteen hundred and eighty-three, and thereafter there shall be elected a trustee or trustees in the manner aforesaid, whose term of office shall be three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: *Provided, also*, That in the election of trustees and all other school officers, the person receiving the highest number of votes shall be declared elected.

CHAPTER X, SEC. 5.

(A new section; will follow § 110, Page 36.) Added by Act No. 53. Given immediate effect.

SEC. 5. Whenever two or more contiguous districts having together more than one hundred children between the ages of five and twenty years, after having published in the notices of the annual meetings of each district the intention to take such action, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing a graded school district under the provisions of this chapter, the school inspectors of the township or townships in which such districts may be situated shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require three notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section one of this chapter, and may do whatever business may be done at any annual meeting.

CHAPTER XI, SEC. 5.

(§ 115), Page 36. Amended by Act No. 114. Takes effect Sept. 7, 1883.

SEC. 5. The board of school inspectors shall cause the township library to be kept at some central or eligible place in the township, which it shall deter-

mine; such board shall also, within ten days after the annual township meeting, appoint a librarian for the term of one year, to have the care and superintendence of said library, who shall be responsible to the board of school inspectors for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

CHAPTER XII, SEC. 4.

(§ 128), Page 39. Amended by Act No. 93. Takes effect Sept. 7, 1883.

SEC. 4. The board of school examiners shall grant certificates to teachers in such form as the Superintendent of Public Instruction shall prescribe, licensing as teachers all persons who on thorough and full examination shall be found qualified in respect to good moral character, learning, and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, and civil government, and after September first, eighteen hundred and eighty-four, in physiology and hygiene with particular reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system. All certificates shall be signed by the secretary and chairman of said board. No person shall be considered a qualified teacher within the meaning of the school law, nor shall any school officer employ or contract with any person to teach in any of the public schools who has not a certificate in force granted by the board of school examiners of the county or other lawful authority: *Provided*, That the certificates heretofore granted by the township superintendents of schools shall be valid for the time for which they were given, unless sooner suspended or revoked by the board of school examiners: *Provided, also*, That the several chairmen of township boards of school inspectors may examine and license teachers for their respective townships until the county school examiners are duly elected and qualified; but no certificate hereafter granted by a chairman of a township board of school inspectors shall be valid beyond three months after the board of school examiners has been duly elected, qualified, and organized in the county.

CHAPTER XV, SECS. 1, 2, AND 4.

(§§ 154, 155 and 157), Pages 46 and 47. Amended by Act No. 112. Given immediate effect.

SECTION 1. *The People of the State of Michigan enact*, That all boards or officers authorized by law to examine applicants for certificates of qualification as teachers shall collect, at the time of examination, from each male applicant for a certificate an annual fee of one dollar, and from each female applicant for a certificate an annual fee of fifty cents, and the director or secretary of any school board that shall employ any teacher who has not paid the fee hereinbefore provided, shall collect, at the time of making contract, from each male teacher so employed an annual fee of one dollar, and from each female teacher so employed an annual fee of fifty cents. All persons paying a fee as required by this section, shall be given a receipt for the same, and no person shall be required to pay said fee more than once in any school year.

SEC. 2. All such fees collected by the director or secretary of any school

board shall be paid over to the secretary of the county board of school examiners of the county in which they were collected, on or before the fifteenth day of March, June, September, and December, accompanied by a list of those persons from whom they were collected, and all of such fees, together with all those that shall be collected by the county board of school examiners, shall be paid over by the secretary of said board of school examiners to the treasurer of the county in which they were collected, on or before the last day of March, June, September, and December, in each year, accompanied by a complete list of all persons from whom said fees were collected; and a like list, accompanied by a statement from the county treasurer that said fees have been paid to him, shall be sent by said secretary to the Superintendent of Public Instruction. All moneys paid over to the county treasurer as provided by this act shall be set apart as a teachers' institute fund, to be used as hereinafter provided.

SEC. 4. The Superintendent of Public Instruction, in case of inability personally to conduct any institute or to make the necessary arrangements for holding the same, is hereby authorized to appoint some suitable person for that purpose, who shall be subject to the direction of said Superintendent. Every teacher attending any institute held in accordance with the provisions of this act, shall be given by the Superintendent of Public Instruction, or by the duly appointed conductor, a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance.

ACT NO. 144.

AN ACT TO PROVIDE FOR THE COMPULSORY EDUCATION OF CHILDREN IN CERTAIN CASES.

Takes effect September 7, 1883.

SECTION 1. *The People of the State of Michigan enact*, That every parent, guardian, or other person in the State of Michigan, having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least four months in each school year, commencing on the first Monday of September in the year 1883, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at school, or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in public schools: *Provided*, In case a public school shall not be taught for four months during the year within two miles, by the nearest traveled road, of the residence of any person within the school district, he shall not be liable to the provisions of this act.

SEC. 2. No child under the age of fourteen years shall be employed by any person, company, or corporation, to labor in any business, unless such child

shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed: *Provided*, That a certificate from the director of the school district in which such child shall have attended school shall be evidence of a compliance with the provisions of this act.

SEC. 3. Every parent, guardian, or other person, having charge or control of any child from eight to fourteen years of age, who has been temporarily discharged from any business or employment, shall send such child to some public or private day school for the period for which such child shall have been discharged, unless such child shall have been excused from such attendance by the board of the school district, for reasons as stated in section one hereof.

SEC. 4. It shall be the duty of the school district board of each district of the State to purchase and furnish, at the expense of the district, such textbooks as may in the judgment of said board be necessary for the use of children whose parents are not able to furnish the same, the expense of such books to be levied in like manner as other district taxes.

SEC. 5. In case any parent, guardian, or other person shall fail to comply with the provisions of sections two, three, or four of this act, such parent, guardian, or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than five dollars nor more than ten dollars for the first offense, and of not less than ten dollars for each subsequent offense.

SEC. 6. In all cities and villages in this State having a population of five thousand and upwards, the board of education, or such other officer or officers having charge of the schools of said cities, townships, and villages, may establish one or more ungraded schools for the instruction of children as defined and set forth in the following sections.

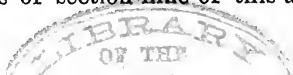
SEC. 7. All persons between the ages of eight and fourteen years, who are habitual truants from school, or who while in attendance at any public school are incorrigible, vicious, or immoral, in conduct, and all persons between said ages who absent themselves from school and habitually wander about streets and public places, having no business or lawful occupation, shall be deemed juvenile disorderly persons, and subject to the provisions of this act.

SEC. 8. In all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authority, to detail one or more members of said force to assist in the enforcement of this act, and in cities or villages having no regular police force, it shall be the duty of the board of education, or the school district officers, to designate one or more constables of said city, township, or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be paid such constable for the performance of his duties under this act. Members of any police force, or any constable, designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers.

SEC. 9. It shall be the duty of any such truant officer or officers detailed to enforce the provisions of this act, to examine into any cases of truancy, when requested so to do by the district board or by its authorized officers, and to warn such truants, their parents or guardians, in writing, of the final consequences of truancy if persisted in, and also to notify the parent, guardian, or other person having the legal charge and control of any juvenile disorderly

person, that the said person is not attending any school, and to require said parent, guardian, or other person, to cause the said child to attend the ungraded school, established as provided for in this act, within five days from said notice, and it shall be the duty of said parent, guardian, or other person having the legal charge and control of said child, to cause the attendance of said child at the ungraded school established in the city or village. If said parent, guardian, or other person having the legal charge and control of said child, shall willfully refuse, fail, or neglect to cause said child to attend said ungraded school, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian, or other person having the legal control and charge of such person, before a justice of the peace in the city where the party resides, except in the city of Detroit, where complaint shall be made in the recorder's court thereof, for such refusal or neglect, and upon conviction thereof said parent, guardian, or other person, as the case may be, shall be punished by a fine of not less than ten dollars, nor more than twenty-five dollars, or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars with one or more sureties to be approved by said court, conditioned that said person so convicted shall cause the child or children under his legal charge or control, to attend at the ungraded school within five days thereafter, and to remain at said school during the full school term: *Provided*, That if said parent, or guardian, or other person in charge of said child, shall prove inability to cause said child to attend said ungraded school, then said parent, or guardian, or other person shall be discharged, and said justice of the peace or court shall, upon complaint of said truant officer, or other person, that said child is a juvenile disorderly person, as described in section seven of this act, proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person, within the meaning of this act, then said justice of the peace or court shall thereupon sentence said child to the Reform School at Lansing, or the Industrial Home for Girls at Adrian, as the case may be, for a term not exceeding two years, or until said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said Reform School or Industrial Home for Girls: *Provided, however*, That such sentence may be suspended in the discretion of said justice of the peace or judge of the recorder's court for such time as said child shall regularly attend school and properly deport himself. It is further provided that if for any cause the parent, or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail to cause such juvenile disorderly person to attend said ungraded school, then complaint against such juvenile disorderly person may be made, heard, tried, and determined, in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said ungraded school, and it is further provided that no child under the age of ten years shall be sent to the Reform School.

SEC. 10. In case any child, while in attendance upon any public school, shall be incorrigible, vicious, and persistently refuses to obey any reasonable rule for the government of said school, the school authorities may direct said child to attend at the ungraded school provided for in this act; and any such child who after such requirement shall be incorrigible, vicious in conduct, or habitually truant from such ungraded school, may be proceeded against as a juvenile disorderly person, under the provisions of section nine of this act.



SEC. 11. When it appears to the school authorities that the parent, guardian, or other person, is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such ungraded school, and said books shall be the same in all respects as those in use in other schools in said city, township, or village, and no distinction in form, color, or substance shall be permitted. The expense of said books shall be paid for from the school fund of said municipality, and levied and collected in the same manner as all other school taxes.

SEC. 12. It shall be the duty of the officers detailed or appointed under the provisions of this act to assist in the enforcement thereof, to institute, or cause to be instituted, proceedings against any parent, guardian, or other person having legal charge and control of any child, or any person, company, or corporation, violating any of the provisions of sections one, two, three, four, and five of this act; and in school districts and cities, and villages of less than five thousand inhabitants, it shall be the duty of the school board to institute, or cause to be instituted, such proceedings.

SEC. 13. When any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation, who in any way participate in or are cognizant of such violation by the corporation of which they are the officers or agents, and said officers or agents shall be subject to the same penalties as individuals similarly offending.

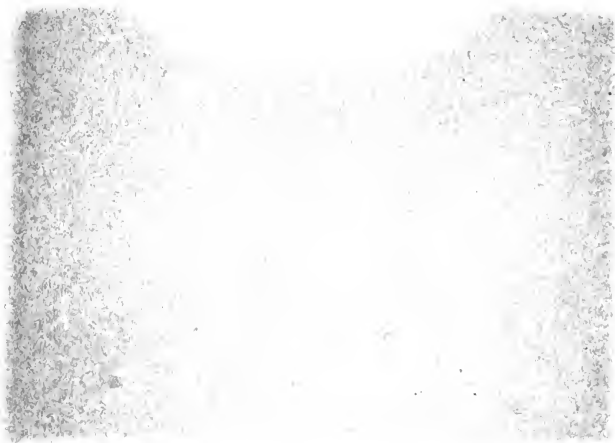












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